

A DISCUSSION ON THE U.N. WORLD CONFERENCE AGAINST RACISM

HEARING BEFORE THE SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS OF THE COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED SEVENTH CONGRESS

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A DISCUSSION ON THE U.N. WORLD CONFERENCE AGAINST RACISM

TUESDAY, JULY 31, 2001

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL
OPERATIONS AND HUMAN RIGHTS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to call, at 2:11 p.m. in Room 2172, Rayburn House Office Building, Hon. Ileana Ros-Lehtinen [Chairwoman of the Subcommittee] presiding.

Ms. ROS-LEHTINEN. The Subcommittee will come to order.

Thank you so much to the panelists, thank you for the Members and thank you to the audience for being here.

Today's hearing is the most recent effort by this Subcommittee to keep Members of Congress informed about issues, concerns, and strategies for the U.S. relating to the World Conference Against Racism taking place in Durban, South Africa from August 31st through September 7th.

White House and State Department officials, including Secretary of State Powell himself, have briefed various caucuses and Committees in the House and the Senate, as well as non-governmental organizations and advocacy groups that are actively involved in the discussions surrounding this global conference.

We hope that today's session, along with those exchanges of views and ideas which took place before and those which will continue until the onset of the conference, will have a positive impact on the drafting of the final documents.

The overall U.S. approach for the World Conference Against Racism is forward-looking. The U.S. seeks an objective and comprehensive evaluation of the current state of racism, discrimination, xenophobia, anti-Semitism, and other forms of intolerance worldwide. The hope is that it will yield a Program of Action that will help bring about an end to these violations of the fundamental rights and freedoms endowed to every human being.

This approach has yielded many positive developments such as the inclusions of recommendations and guidelines to address the heinous practice of trafficking in persons. For example, the paragraph identified as 54bis4 merged "urges States to devise, enforce and strengthen effective measures at the national, regional and international levels to prevent, combat, and eliminate all forms of trafficking in women and children, in particular girls, through comprehensive anti-trafficking strategies which include legislative

measures, prevention campaigns and information exchanges,” among other proposals.

The U.S. and, in particular, the Congress have taken a leadership role in this arena through the passage and enactment of the Trafficking Victims Protection Act. We hope that this will serve as an example and an inspiration to others to commit themselves to the eradication of trafficking in persons.

Provisions concerning the safety and well-being of migrants and refugees are another example of how the World Conference could provide a singular opportunity to tackle the scourges of racism, xenophobia and other forms of intolerance and discrimination.

The paragraph identified as 2bis “urges States to take the necessary measures to ensure that no person will be expelled, extradited or returned to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or persecution on account of his or her racial, ethnic, cultural, religious, linguistic, national origin, or political affiliation.”

The draft Program of Action that is being worked on this week also includes calls for “the promotion of good governance based on the principles of democracy, the rule of law, equality, non-discrimination and transparency.”

It addresses new forms of intolerance by calling on States to protect persons and groups vulnerable to such discrimination on account of their “national origin, social or economic status, physical or mental disability, state of health, religious belief, or any other condition liable to give rise to discrimination.”

Nevertheless, even recommendations on these particular issues raise some questions and concerns as many require the creation of new structures and programs and call for increases in funding.

Further, some observers underscore that provisions in the draft Program of Action could infringe upon the sovereignty of participating nations. They cite the paragraph identified as New 170 as an example. This provision “urges all States to refrain from taking any measure leading to the recognition of Jerusalem as the capital of Israel.”

Given that the U.S. Congress has repeatedly and overwhelmingly approved resolutions calling for this very action, such type of language could be perceived as restricting the ability of parliamentary bodies to legislate on their individual countries’ foreign policy.

There are also provisions in the draft Program of Action which could establish a dangerous precedent by using international fora to legislate on domestic policy and legislation. This was a concern earlier this year during the 57th session of the U.N. Commission on Human Rights and appears to have spilled over unto the World Conference Against Racism.

The choice of language is crucial in addressing these concerns, that is, replacing such words as “affirms,” “urges,” and “should,” with phrases calling on countries to “consider adopting appropriate measures” could mark the difference between broad support for adoption of a paragraph or failure.

Nevertheless, the two pivotal issues which have dominated the pre-World Conference discussions are reparations and compensa-

tion for victims of slavery and the anti-Semitic, anti-Israel provisions which permeate throughout the draft documents.

On the issues of reparations, much of the debate has to do with scope and the time parameters—that is, should the conference guidelines be applied retroactively? If so, how far back should the conference go? Who should benefit and who should be held liable?

Some paragraphs of the draft Program of Action refer to “prompt, adequate and fair reparations and compensation” for victims of slavery, regardless of when the abuse or violations were committed.

Others are forward-looking calling for the establishment of more effective preventive or deterrent measures which would provide “adequate compensation of victims of racial discrimination,” including by means of truth commissions, apologies, and the establishment of victims’ compensation and reparation funds.

The extent and form the reparations should take are also topics of much discussion.

The draft being worked on this week at the PrepCom calls for the creation of an international compensation program and a development reparation fund financed by those private sectors benefiting from past, present, and, indeed, even future slavery.

The draft Program of Action calls for the creation of an education fund and international scholarship program, as well as access to international markets for products exported from countries that are impacted by slavery.

Further, while most of the emphasis is on those victims of slavery who are of African descent, some of the draft provisions extend future compensation to States, communities and individuals who were victims of ethnic cleansing; policies based on national superiority; colonial or other forms of alien domination or foreign occupation.

Some experts believe that such a broad application could have a destabilizing effect worldwide.

Our witnesses today will address these and other matters pertaining to these issues.

Nevertheless, there is perhaps no other issue which threatens the legitimacy and effectiveness of the World Conference Against Racism as does the hostile anti-Semitic, anti-Israel language shepherded by such countries as Iran, Iraq, and Syria. Such attempts to equate “Zionism with racism” undermines the two previous world conferences on the issue of racism.

This language, combined with efforts to condemn Israel as an “occupying power” whose “settler policies” constitute a “crime against humanity” are having the same corrosive effect on the discussions toward this year’s meeting in Durban, South Africa.

Furthermore, most experts agree that provisions in the draft conference documents calling on the international community to take action against Israel in favor of Palestinians could damage the ongoing peace process and threaten regional stability.

More importantly, however, these anti-Semitic paragraphs reflect a disturbing and menacing global trend which became abundantly clear to me when I traveled to the U.N. Human Rights Commission meeting in April of this year. It was disheartening to see decades of work and progress in this realm disintegrating at such a rapid

pace, bringing a return to a grim past rather than a leap toward a future of hope and understanding.

Unfortunately, there are numerous examples of the intensification of the anti-Semitic movement worldwide. It is evident in statements made by some Arab leaders who call for the murder of Jewish men, women, and children everywhere; in the terrorist attacks against the AMIA Jewish Community Center and the Israeli Embassy in Argentina; in the attacks against Jewish leaders in Europe; and elsewhere.

For this reason, it is important to address the World Conference Against Racism and the anti-Semitic/anti-Israel language within the broader context of global developments in order to gain a better understanding of the problem, in order to arrive at effective solutions.

They are all complex issues with far-reaching ramifications, issues which must be examined and evaluated carefully and in a comprehensive manner.

We hope that today's hearing will assist U.S. officials in their efforts relating to the World Conference and will send a message to the international community that the U.S. Congress supports a conference which promotes a program of action that will help ensure an end to racism and discrimination, not one which uses this global forum to propagate intolerance and aggravate, rather than mitigate, conflict.

We must stand together, as one human family, to combat slavery and other terrible practices which still plague society today. We must work together to ensure a future of equality for all.

And with that, I am very pleased to recognize for her opening statement the congresswoman from Georgia, my friend Congresswoman, Cynthia McKinney.

[The prepared statement of Ms. Ros-Lehtinen follows:]

PREPARED STATEMENT OF THE HONORABLE ILEANA ROS-LEHTINEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA, AND CHAIRWOMAN, SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS

Today's hearing is the most recent effort by this Subcommittee to keep Members of Congress informed about issues, concerns, and strategies for the U.S. relating to the World Conference Against Racism taking place in Durban, South Africa, August 31st through September 7th .

White House and State Department officials, including Secretary of State Powell himself, have briefed various caucuses and committees in the House and Senate, as well as non-governmental organizations and advocacy groups that are actively involved in the discussions surrounding this global conference.

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This approach has yielded many positive developments such as the inclusion of recommendations and guidelines to address the heinous practice of trafficking in persons. For example, the paragraph identified as 54 bis4 (merged) "urges States to devise, enforce and strengthen effective measures at the national, regional and international levels to prevent, combat, and eliminate all forms of trafficking in women and children, in particular girls, through comprehensive anti-trafficking

strategies which include legislative measures, prevention campaigns and information exchanges . . .” among other proposals.

The U.S. and, in particular, the Congress have taken a leadership role in this arena through the passage and enactment of the Trafficking Victims Protection Act. We hope that this will serve as an example and inspiration to others to commit themselves to the eradication of trafficking in persons.

Provisions concerning the safety and well-being of migrants and refugees are another example of how the World Conference could provide a singular opportunity to tackle the scourges of racism, xenophobia and other forms of intolerance and discrimination.

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Nevertheless, even recommendations on these particular issues raise some questions and concerns as many require the creation of new structures and programs and call for increases in funding.

Further, some observers underscore that provisions in the draft Program of Action could infringe upon the sovereignty of participating nations. They cite the paragraph identified as New 170 as an example. This provision “urges all States to refrain from taking any measure leading to the recognition of Jerusalem as the capital of Israel . . .”

Given that the U.S. Congress has repeatedly and overwhelmingly approved resolutions calling for this very action, such type of language could be perceived as restricting the ability of parliamentary bodies to legislate on their individual countries’ foreign policy.

There are also provisions in the draft Program of Action which could establish a dangerous precedent by using international fora to legislate on domestic policy and legislation. This was a concern earlier this year during the 57th session of the UN Commission on Human Rights and appears to have spilled over unto the World Conference Against Racism.

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On the issue of reparations much of the debate has to do with scope and time parameters—that is, should the Conference guidelines be applied retroactively? If so, how far back should the Conference go? Who should benefit and who should be held liable?

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The *extent* and *form* the reparations should take are also topics of much discussion. The draft being worked on this week at the PrepCom calls for the creation of an international compensation program and a development reparation fund financed by those private sectors benefitting from past, present, or future slavery. The draft Program of Action also calls for the creation of an Education Fund and international scholarship program, as well as access to international markets for products exported from countries affected by slavery.

Further, while most of the emphasis is on those victims of slavery who are of *African* descent, some of the draft provisions *extend future* reparations and compensation to States, communities and individuals who were victims of ethnic cleansing;

policies based on national superiority; *colonial* or other form of alien domination or *foreign occupation*.

Some experts believe that such a broad application would have a destabilizing effect worldwide.

Our witnesses today will address these and other matters pertaining to reparations.

Nevertheless, there is perhaps no other issue which threatens the legitimacy and effectiveness of the World Conference Against Racism as does the hostile anti-Semitic/anti-Israel language shepherded by such countries as Iran, Iraq, and Syria. Such attempts to equate "Zionism with Racism" undermined the two previous world conferences on the issue of racism.

This language, combined with efforts to condemn Israel as an "occupying power" whose "settler policies" constitute a "crime against humanity" are having the same corrosive effect on the discussions toward this year's meeting in Durban, South Africa.

Further, most experts agree that provisions in the draft Conference documents calling on the international community to take actions *against Israel* in favor of Palestinians, could damage the ongoing peace process and threaten regional stability.

More importantly, however, these anti-Semitic paragraphs reflect a *disturbing* and *menacing* global trend which became abundantly clear to me when I traveled to the UN Human Rights Commission meeting in April of this year. It was disheartening to see decades of work and progress in this realm disintegrating at such a rapid pace, bringing a return to a grim past rather than a leap toward a future of hope and understanding.

Unfortunately, there are numerous examples of the intensification of anti-Semitism world wide. It is evident in statements made by some Arab leaders who call for the murder of Jewish men, women, and children everywhere; in the terrorist attacks against the AMIA Jewish Community Center and the Israeli embassy in Argentina; in the attacks against Jewish leaders in Europe; and elsewhere.

For this reason, it is important to address the World Conference Against Racism and the anti-Semitic/ anti-Israel language within the broader context of global developments in order to gain a better understanding of the problem, in order to arrive at effective solutions.

These are all complex issues with far-reaching ramifications—issues which must be evaluated carefully and in a comprehensive manner.

We hope that today's hearing will assist U.S. officials in their efforts relating to the World Conference and will send a message to the international community that the U.S. Congress supports a Conference which promotes a program of action that will help ensure an end to racism and discrimination—not one which uses this global forum to propagate intolerance and aggravate, rather than mitigate, conflict.

We must stand together, as *one human family*, to combat *slavery* and other *heinous practices which plague society*.

We must work together to ensure a *future of equality for all*.

Ms. MCKINNEY. Thank you, Madam Chair and I would like to thank you for finally having this hearing.

I would like to take the opportunity now to apologize to the many people who came to Washington, DC, many of them traveling long distances by car, in order to participate in the World Conference Against Racism hearing that was scheduled last week but who were not able to be informed of the last-minute pulling of the hearing and changing of the date to today. But I thank you for having this hearing on this most important conference.

The conference against racism taking place in Durban, South Africa between August and September 2001 is the largest meeting ever specifically devoted to combatting the scourge of racism. In recognition of the importance of the conference, nearly every country has, so far, indicated a readiness to send delegations and hundreds of NGOs are sending representatives.

The World Conference Against Racism is something truly special to the world, is surely, on any view, something that our country should completely support. Our attendance is especially important

because we hold ourselves out to be a nation that is a champion of human rights and the preeminent democracy in the world today.

I must say, however, Madam Chair, that I am surprised that President Bush and his Administration do not share this view on the importance of the WCAR, but instead have publicly adopted an intransigent, if not outwardly hostile, view of the entire conference.

I find the Bush Administration's public criticisms of the WCAR at odds with his carefully crafted public image created for him by his minders—that is, the compassionate conservative, a uniter not a divider.

The World Conference Against Racism is a perfect opportunity for the Bush Administration to dispel criticisms that they do not care about race issues and are more content to make empty and meaningless statements about deploring racism during meet-and-greets on the campaign trail.

The Bush Administration could use the World Conference Against Racism to publicly show a commitment to ending racism in this country. Given that 30 percent of the U.S. population consists of people of color and that we all have experienced racism first hand, I have to wonder if the Bush Administration's position on the WCAR is just politically dumb or if it is perhaps indicative of something more malignant.

We can all understand political naivete, however, these Bush folks got together and conspired to deprive blacks in Florida of their right to vote. Naivete is not one of their more prominent characteristics.

I am compelled to ask the obvious question, then, that no one will ask. Is the Bush White House just full of latent racists? Could it be that the Bush Administration's opposition to participating in the world conference flows naturally from his own campaign trail?

We all remember the Bush presidential campaign, which featured town hall events with him on stage with selected and prominently placed blacks, Asians, and Hispanics. Were they there because he wanted them there or were they there because they were strategically positioned to be with him inside contrived camera shots?

And we remember how the President spoke in Spanish to Latino audiences. Did he do that because he really cares about Hispanics or was it the politically necessary thing to do?

I have really tried to give the new Administration the benefit of the doubt. I have reached out to them on a number of occasions, offering to work with them on issues affecting people in my district, but I am becoming concerned that they really do not care about racism. I think the Administration's opposition to the WCAR is a clear example of their indifference to racism.

Madam Chair, you can tell a lot about a man the way they act when they think no one is watching and I am watching President Bush's Administration closely and I have learned a lot from comparing what the Bush people say publicly and the way they act privately.

I must say that I was speechless that, while President Bush said, on many occasions throughout his campaign, that he deplored racism and anti-Semitism, but then he chose to speak at Bob Jones

University in South Carolina, an institution that is well-known for its virulent racist views and homophobic statements.

If Bush was at all sensitive to African Americans and our sensitivity to the racist and hateful diatribe directed at us by the Bob Jones institution, then surely he would not have even gone there. Indeed, this is the same institution in which a professor attacked GOP presidential candidate Senator Bob McCain and his wife for having adopted a young Bangladeshi girl.

If candidate Bush really felt that he had the need to go and speak at this type of institution, then he should have gone there and taken the opportunity to publicly condemn the institution for its vile views on segregation and for sowing the seeds of hate in this country, but he did not do that. Instead, he went there and reached out to the racists because he believed that he needed them to show the extreme right in his party that he was still one of them, but the cost to his credibility as being a uniter not divider was very great.

While President Bush continued to travel around the country campaigning, continuing to call out that he deplored racism, he steadfastly refused to support hate crimes legislation in Texas. Not surprisingly, he came under intense criticism for his refusal to intervene in the execution of Gary Graham, despite the availability of evidence pointing to his innocence on the charge of murder.

And then, what about the revelations of the Bush campaign's Louisiana campaign Chair, Governor Mike Foster, purchasing mailing lists from the infamous David Duke? How could anyone priding themselves in being a uniter and not a divider believe that no one would be shocked that a presidential candidate was going to reach out to David Duke's base supporters?

So you see, Madam Chair, I am a little more than suspicious that President Bush might just be disingenuous with respect to his opposition to racism and that, in truth, he really does not care about it at all, and therefore no wonder he does not need to see this country support the World Conference Against Racism.

The recently published Henry Kaiser Family Foundation/Harvard University/Washington Post study on white misperceptions on the state of black America confirms that President Bush is not alone in placing little or no importance on racism and the state of black America. The central finding of the study was that 40 to 60 percent of all whites questioned believed that the average African American is faring about as well and perhaps even better than the average white American and perhaps, in some cases, even better than the average white American, but as the study noted, government statistics confirm that this white view of the state of black America is misplaced and that black America actually falls way behind whites in terms of employment, income, education, and access to health.

Despite this evidence that black America still lags way behind white America, the Clinton Administration undertook to introduce a number of reforms that were extremely harmful to people of color in America. President Clinton signed a Crime Bill that increased the penal population to over 2 million, two-thirds of which are black and Latino.

The Clinton Administration repealed welfare, and in so doing, took away billions of dollars of subsidies from poor and minority families. President Clinton presided over the quiet dismantling of affirmative action and he could do that because the leadership in this country does not really believe that black America is in dire condition and, perhaps worse still, many do not actually care.

This public misconception about the state of black America is significant and owes much of its pervasiveness today to decades of leadership figures in our society trivializing both the history and extent of racism in our society. Discussion of lynchings, police beatings, slavery, racial segregation and poverty in inner-city ghettos have all been reduced to euphemisms like racial discrimination, racial profiling, strained race relations and economically distressed communities.

And today, while the U.S. press is fascinated with the treatment of people in Sudan and China and routinely describes alleged human rights in those countries in inordinate details, the U.S. press is steadfastly disinterested in talking about the appalling condition and present-day treatment of people of color in this country.

And despite the credibility and timeliness of the Kaiser/Harvard/Washington Post study, it largely passed without any discussion in the mainstream press. And most importantly, I suspect that the findings of the study would not have even been discussed at the White House.

Madam Chair, the World Conference Against Racism is a perfect opportunity for President Bush to detail a clear commitment to preserve and extend civil rights in this country. George W. Bush could use this as an opportunity to allay fears among many of us that his attendance at Bob Jones University, his refusal to intervene on Gary Graham's behalf, his failure to sign hate crimes legislation in Texas are aberrations and they are not demonstrative of a serious personal flaw related to racism.

But I can tell you with some confidence that if the Bush Administration fails to provide a serious commitment to the World Conference Against Racism, then I am sure he will live to regret it in 2004.

Thank you, Madam Chair.

[The prepared statement of Ms. McKinney follows:]

PREPARED STATEMENT OF THE HONORABLE CYNTHIA A. MCKINNEY, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Madam Chair, the UN Conference Against Racism taking place in Durban South Africa between August and September 2001 is the largest meeting ever specifically devoted to combating the scourge of racism.

In recognition of the importance of the Conference nearly every country has so far indicated a readiness to send delegations and hundreds of NGOs are sending representatives. The WCAR is something truly special to the world community and surely, on any view, something that our country should give complete support to.

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I find the Bush Administration's public criticisms of the WCAR at odds with his carefully crafted public image, created for him by his minders: that is: the "compassionate conservative," "a uniter not a divider."

The WCAR is a perfect opportunity for the Bush Administration to dispel criticisms that they don't care about race issues and are more content to make empty and meaningless statements about deploring racism during "meet and greets" on the campaign trail.

The Bush Administration could use the WCAR to publicly show a commitment to ending racism in this country. Given that 30% of the US population consists of people of color and that we have all experienced racism first hand, I have to wonder if the Bush Administration's position on the WCAR is just politically dumb or if it is perhaps indicative of something more malignant.

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I've really tried to give the new Administration the benefit of the doubt. I've reached out to them on a number of occasions, offering to work with them on issues affecting people in my district. But I am becoming concerned that they really don't care about racism. I think the Administration's opposition to the WCAR is a clear example of their indifference to racism.

Madam Chair, you can tell a lot about a man the way they act when they think no one is watching. And I'm watching President Bush's Administration closely and I've learned a lot from comparing what the Bush people say publicly and the way they act privately.

I must say that I was speechless that while President Bush said on many occasions throughout his campaign that he deplored racism and anti-Semitism; but then he chose to speak at Bob Jones University in South Carolina. An institution that is well known for its virulent racist views and homophobic statements. If Bush was at all sensitive to African Americans and our sensitivity to the racist and hateful diatribe directed at us by the Bob Jones institution, then surely he would have not gone there.

Indeed, this is the same institution in which a Professor attacked GOP Presidential candidate Senator Bob McCain and his wife for having adopted a young Bangladeshi girl.

If candidate Bush really felt that he had the need to go and speak and this type of institution, then he should have gone there and taken the opportunity to publicly condemn the institution for its vile views on segregation and for sewing the seeds of hate in this country.

But he didn't do that, instead he went there and reached out to the racists because he believed that he needed to show the extreme right in his party that he was still one of them. But the cost to his credibility as being a uniter and not a divider was great.

While President Bush continued to travel around the country campaigning and continuing to call out that he deplored racism, he steadfastly refused to support Hate Crimes legislation in Texas. Not surprisingly he came under intense criticism for his refusal to intervene in the execution of Gary Graham despite the availability of evidence pointing to his innocence on the charge of murder.

And then what of the revelations that the Bush Campaign's Louisiana campaign chair, Governor Mike Foster, reportedly purchased mailing lists from the infamous David Duke. How could anyone priding themselves in being a uniter not a divider believe that no one would be shocked that a Presidential candidate was going to reach out to David Duke's base supporters?

So you see Madam Chair, I'm more than a little suspicious that President Bush is disingenuous with respect to his opposition to racism and that in truth he really doesn't care about it at all. And therefore no wonder he doesn't see the need for this country to support the World Conference Against Racism.

The recently published Henry Kaiser Family Foundation/Harvard University/Washington Post study on white misperceptions on the state of black America confirms that President Bush is not alone in placing little or no importance on racism and the state of black America. The central finding of the study was that 40–60% of all whites questioned believed that the average African-American is faring about as well and perhaps even better than the average white American and perhaps in some cases even better than the average white American. But as the study noted, government statistics confirm that this white view of the state of black America is misplaced and that black America actually falls way behind whites in terms of employment, income, education, and access to health.

Despite this evidence that black America still lags way behind white America, the Clinton Administration undertook to introduce a number of reforms that were extremely harmful to people of color in America. President Clinton signed a Crime Bill that increased the penal population to over 2 million, two-thirds of which are black and Latino.

The Clinton Administration repealed Welfare and in so doing took away billions of dollars of subsidies from poor and minority families. President Clinton presided over the quiet dismantling of the affirmative action policy. And he could do that because the leadership in this country doesn't really believe that black America is in dire condition, and perhaps worse still, many don't actually care.

This public misconception about the state of black America is significant and owes much of its pervasiveness today to decades of leadership figures in our society trivializing both the history and extent of racism in our society. Discussion of lynchings, police beatings, slavery, racial segregation, and poverty in inner city ghettos have all been reduced to euphemisms like racial discrimination, racial profiling, strained race relations and economically distressed communities.

And today while the US press is fascinated with the treatment of people in Sudan and China and routinely describes alleged human rights in those countries in inordinate detail, the US press seems steadfastly disinterested in talking about the appalling condition and present day treatment of people of color in this country. And despite the credibility and timeliness of the Kaiser/Harvard/Washington Post study it largely passed without any discussion in the mainstream press. And most importantly, I suspect that the findings of the study would not have been discussed at all in the White House.

Madam Chair, the World Conference Against Racism is a perfect opportunity for President Bush to detail a clear commitment to preserve and extend civil rights in this country. George W. Bush could use this as an opportunity to allay fears among many of us that his attendance at Bob Jones University, his refusal to intervene on Gary Graham's behalf, and his failure to sign Hate Crimes legislation in Texas are aberrations and not demonstrative of a serious personal flaw related to racism.

I can tell you with some confidence that if the Bush Administration fails to provide a serious commitment to the WCAR then he will live to regret it in 2004.

Ms. ROS-LEHTINEN. Thank you so much, Ms. McKinney, for your opening statement.

I would like to thank Mr. Gilman, Lantos, Payne, Kilpatrick and Adler for being here. We have 2 minutes and 50 seconds.

Cynthia, do you have your running shoes on?

Ms. MCKINNEY. I do.

Ms. ROS-LEHTINEN. We do. We have a series of votes. The Committee is just temporarily recessed. We will be back.

Let's go, Cynthia.

[Recess.]

Ms. ROS-LEHTINEN. Thank you. The Subcommittee is now back in session.

I would like to now recognize Congressman Lantos, who is the Ranking Member of the full Committee on International Relations, who had a resolution on the floor yesterday overwhelmingly approved by the majority of the House in a bipartisan manner exactly dealing with the World Conference Against Racism, racial discrimination, xenophobia, and related intolerance, for his opening statements.

Mr. Lantos.

Mr. LANTOS. Thank you very much, Madam Chair, and let me, at the outset, commend you for your extraordinarily thoughtful, statesmanlike preparation for not only this hearing, but for the conference that is coming up and for your leadership on this issue.

I regret that my colleague from Georgia is not here because—

Ms. ROS-LEHTINEN. Right behind you.

Timing is everything in life, Cynthia, I am telling you.

Mr. LANTOS. I am happy to see that my colleague from Georgia is here because I would like to disassociate myself from what I consider intemperate and inappropriate comments concerning the President of the United States.

I have had plenty of disagreements with the President on many issues. I devoted much of the last year to trying to see to it that he was not elected President, but I do not believe that the President of the United States should be subjected to the kinds of observations that we have heard and I profoundly regret it.

It is one of the most remarkable phenomena of our age that we are making such extraordinary strides in the scientific and technological arena, and yet in the field of inter-group relations, we are back in the darkest ages of mankind. And since I suspect there is unanimity in the Congress on the desirability of improving inter-group relations, both in this country and globally, when the subject of this conference in Durban first emerged, as the founding Chairman of the Congressional Human Rights Caucus and as the only Member of Congress in the history of this institution who is a survivor of the Holocaust, I strongly and enthusiastically welcomed this conference.

It is singularly appropriate to talk about the evils of slavery, racism, discrimination in all its many splended forms. The human mind is creative beyond belief in finding yet more sophisticated ways of discrimination, and I was looking forward with a great deal of enthusiasm to participating in this conference which I hoped, as did millions of others across the globe, would make at least a modest contribution to lessening the atmosphere of hate that permeates so many parts of the world.

I still hope that in Geneva we might be able to turn around the direction in which the conference is now moving and make it a worthwhile, perhaps even a historic occasion, but I have great doubts.

I have great doubts because a group of countries and a group of organizations are hell-bent on hijacking what was designed to be a noble and constructive and worthwhile conference into yet another forum for Israel-bashing and for allowing the most extreme forms of anti-Semitism to gain global notoriety.

One really needs to pinch oneself repeatedly as one looks out over the globe and looks at the range of horrendous events from the Taliban in Afghanistan to the ongoing slave trade in the Sudan to the discrimination against women in Saudi Arabia and elsewhere to the persecution of Christians in many countries, to torture, which is present in so many societies, and find that some of the preparatory documents for this conference single out one country and one people for denunciation.

It is not the Taliban. It is not the regime in Sudan. It is not other totalitarian, dictatorial, repressive, discriminatory regimes, but it is our democratic ally, the state of Israel.

Now, some of us will make an attempt in Geneva to turn things around. The chances for that are limited. Some of us hope to refocus the attention of the delegates to our common goal, hopefully, namely, to fight against racism, slavery, and discrimination in all its manifestations.

But since the group which is in the process of hijacking the conference is hell-bent on doing so, I think we must be prepared for the eventuality that if Geneva, in a constructive sense, fails, in which case it will be my recommendation to our government that our Secretary of State not attend the conference, that we either send a low-level working delegation or no delegation whatsoever.

The one thing that I am convinced of, that it is inappropriate the United States, the global champion for human rights, with all of our failings, to be part of a lynch mob in Durban which will luxuriate in bashing one country, one people, who, clearly, whatever their flaws, and there are many, is not the most reprehensible violator of human rights in the year 2001.

Now, it is intriguing to note that the initial attack, namely "Zionism is racism", apparently is beginning to fade because the people who wanted to resuscitate this sickening description of a philosophy, which is analogous to philosophies of other national groups across the globe establishing their own nation and society, would be counter-productive.

Earlier today, I talked to United Nations Human Rights Commissioner, Mary Robinson, in Geneva, who tells me that the likelihood of defeating this blatant attack on the state of Israel is improving, but we concluded, on the basis of many indications, that the attack will take a somewhat different form and it will focus on "settlements."

Well, let me say a word about settlements. There were no settlements prior to 1967. There was not a single settlement and there was not a single settler, when in 1967, the state of Israel was attacked and succeeded in defeating its enemies. It occupied territories and it engaged in the creation of settlements.

I have many reservations about these settlements, and had Mr. Arafat at Camp David accepted the Clinton/Barak offer, there would, for all practical purposes, be very few settlements left because the bulk of the West Bank and the bulk, if not all, of the Gaza Strip would have been turned over to the Palestinian Authority.

But be that as it may, it is not unusual after military confrontations to have borders moved and new geographic arrangements unfold. There were millions of Poles living in settlements following the second World War as the frontier of Poland was moved westward by some 200 miles.

There are disputed territories all over the world, between India and Pakistan, in Kashmir and in literally every single corner of this planet, and to turn a conference into an attack on one small democratic country and its geographic scope, which it was in the process of drastically reducing at Camp David seems almost surreal. It has an element of Kafka to it.

So I would like to just conclude, Madam Chair, that those of us who had hoped that the conference in Durban would be a constructive and forward-looking conference dealing with all the horrendous manifestations, both past and present, of man's inhumanity to man may yet take place in its full glory.

But if, in fact, the hijackers succeed, they will stand self-condemned before world public opinion because a great historic opportunity will have been missed for the purpose of bashing one small, and I might add, the only democratic, state in the Middle East.

I applaud Secretary of State Powell for his statement that he is eagerly looking forward to attending Durban if the Geneva outcome is acceptable to civilized people, but if the Geneva outcome will prove to be the product of a lynch mob, and there are plenty of indications that we are moving in that direction, I will applaud his decision not to attend and I will applaud the decision of our government to minimize to the fullest possible extent the importance of this conference.

Thank you, Madam Chair.

Ms. ROS-LEHTINEN. Thank you, Mr. Lantos.

Mr. Gilman of New York.

Mr. GILMAN. Thank you Madam Chairperson. I want to laud you for arranging this hearing, giving us the opportunity to discuss, once again, the United Nations Conference Against Racism.

Madam Chairperson, the U.N. Conference Against Racism is one of those turning points in the history of the U.N. We all question if the United Nations system is going to be able to conduct a proper, constructing world conference of these issues. Is it going to take the advice of such respected leaders as Secretary General Kofi Annan and Mary Robinson, the High Commissioner for Human Rights?

If the conference can stay away from divisive issues, such as the unbalanced criticism of Israel, the equation of Zionism to racism and the denigration of the Holocaust; will the conference be able to keep its eye on moving forward, moving forward in a significant effort to end racism and to ameliorate its impact? Or will the conference move backwards, bringing the entire U.N. system into disrepute?

We need to support our Administration in its efforts to help bring about a reasonable result. I am pleased that we had before us earlier this week some of the proposed delegates to the conference.

I most certainly hope that Secretary Powell is going to be able to lead a delegation to Durban. We are pleased that Congressman Lantos proposes to lead a congressional delegation to Durban, but we should not allow the Administration to go under certain negative circumstances.

I hope the world will listen to our Administration. We are serious. We are serious with regard to the results of the Durban U.N. world conference. We need to be serious about the conference because the words that are being proposed in the preparatory meetings turn people into objects, objects that can lead to death.

This is all part of a pattern of trying to delegitimize the state of Israel and the Zionist movement, and violence can result, and I believe it is intended to result, from the adoption of the Anti-Semitic liabilities in the draft declaration. The language in that declaration

must be resisted with all of the opportunities that we may have available.

The Durban conference needs to be reminded to adhere to its laudatory objectives, the objectives of opposing racism, opposing racial discrimination, opposing xenophobia, and related intolerance.

And I thank the gentlelady for yielding.

Ms. ROS-LEHTINEN. Thank you very much, Mr. Gilman.

Mr. Payne.

Mr. PAYNE. Thank you very much, Ms. Chairperson, for calling this very important hearing. Let me say that the issue is extremely important, as we know, as the United Nations' sponsored World Conference Against Racism, racial discrimination, xenophobia, and related tolerance is to take place in Durban August 31 to September 7.

The upcoming conference is referenced to be a very significant turning point in dealing with some of the most sensitive and complex issues facing the international community. As expected, the conference has drawn sharp criticism from certain sectors of the international community.

There are those who would like to avoid this conference all together because of the controversy surrounding it, and there are others who actually would like to use this conference for their own interests instead of really looking at the efforts, as it is called to, to once and for all deal with the ugly face of racism and racial discrimination and intolerance, and it would be a shame that the real reasons for this conference to be held can be derailed by individual interests.

We, as members of the international community, must deal with this deadly disease, because it is all around us. It is a cancer. And that requires searching for the root cause of the disease in a thorough soul-searching of hearts to deal with this disease of racism.

Madam Chair, this is not the first time the United Nations has attempted to deal with this issue. In August 1978, the U.N. adopted a declaration and a program of action to combat racism and racial discrimination. A follow-up conference was held in 1983.

A 1978 conference stated that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous, and has no justification whatsoever. Twenty-three years after that conference, racism still remains a serious problem in Europe and in North America.

It is ironic that neither of those two world conferences dealing with racism have the participation of the United States of America, and I would hope that the Bush Administration will send a top flight delegation led by our Secretary of State so that we do not have a "three strikes and you're out", especially since racism is very, very prominent here.

Even on a local level, we have had the discussion of racism and President George Bush, in his State of the Union Address, said that he wanted to deal with racial profiling, this would be a number one issue on his agenda, therefore acknowledging that racial discrimination does exist by policeman, especially in New Jersey where racial profiling is still alive and well. There has not even been a change ever since those three unarmed boys were shot at the New Jersey Turnpike.

We know that, yesterday, President Bush addressed the NOBLE conference of black law enforcement officers and once again raised the question of racial profiling and said that this was something we wanted to deal with.

So I say that to say that the question of racism is being acknowledged, and, therefore, for us not to participate in the conference would be a disaster.

It was racism that allowed millions and millions of Jews to be persecuted prior to the second World War when many people in this country and in Europe looked the other way. That was racism. That should have been avoided. The U.S. should have been proactive, should have engaged ourselves, but we did not. And so when racism stays around in any form, it is wrong, but racism and discrimination come in many different forms.

For example, in Sudan today black Africans are sold into slavery and citizens are bombed and killed in large numbers, in part because of race. More than two million people died over the past decade and four million people have been displaced from their homes while the international community watches with indifference, some feel because of the race of the people where genocide is going on, that there is no alarm, and that we look the other way.

As a matter of fact, it was very disturbing that just last week, the Sudan Peace Act that we passed here in the House 422 to 1, which had reporting to the SEC on investments in oil in Sudan and had a restriction on capital markets in Sudan, not access to our Wall Street if you were going to oil exploration in Sudan, and no American company can do it anyway, that the bill that Senator Fisk introduced and pushed by Senator Reid removed the capital market sanctions, took out the word genocide, said it is not important for the SEC to have reporting, after we, 422 to 1, passed the legislation, which for the first time had teeth to say that we can now start to have a real offensive on the pariah government of Khartoum. But it was felt that it was a sense of the Congress to remove that.

And so we cannot forget the 1994 Rwanda genocide, in which an estimated one million people were butchered right before our own eyes and the word genocide was not raised once during that whole time because it would have pushed a new kind of a treaty that meant that we would have to become involved. Once again, it was felt that it was race if a million people on the television were shown being butchered to death. If, in fact, they were not black and of a different ethnic group of those that were doing it, then there might have been a response on the part of the world.

And so it is important that we deal with this question of racism in whatever form it raises its ugly head. As a matter of fact, we allowed the United Nations peacekeepers who were in Rwanda to leave at that time and therefore accelerated the genocide.

So, Madam Chairman, it is pivotal for the United States Government to participate in this very important conference, despite some express concerns about the agenda. It has been indicated that the Bush Administration does not want to deal with the question of slavery. Well, I used to teach history, and, for the President, there was something in this country called slavery and it lasted for many, many years.

Now, the question is, well, what can we do about it now? Well, one thing we can do about it is to talk about it, see what impact it had, what kind of long-term problems it created, and try to come up with programs that could see that this does not happen again, because it is happening today, to talk about programs that can ameliorate those problems that happened as a result of slavery, to talk about maybe a commission to be created simply to discuss that in the United States, a committee to deal with the question of reparations, not saying that there should be some specific reparations, but the question of the impact of slavery on a whole society of people, a whole group of people.

And so, as I conclude, I would hope that we would have a top-flight delegation led by, I think, the man in the Administration who best exemplifies what is right in America, General Colin Powell, Secretary of State, and I would hope that we would strongly support that move and that we participate fully.

And, once again, Ms. Chairlady, I thank you for the opportunity to make those remarks.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Payne.

Mr. Tancredo?

Mr. TANCREDO. I have no opening remarks.

Ms. ROS-LEHTINEN. Thank you.

Ms. Watson?

Ms. WATSON. I would like to thank the Chair—

Ms. ROS-LEHTINEN. I apologize, Ms. Carson.

Ms. Lee, you were here first? I apologize.

Thank you.

Ms. Carson, I am sorry. Ms. Lee is recognized.

Thank you.

Ms. LEE. Well, thank you, Madam Chair, and I want to thank our Ranking Member also for inviting me to join here today with this important hearing on the upcoming World Conference Against Racism.

Let me just state for the record, also, my disappointment that this hearing which was scheduled for last week was canceled and rescheduled for today. As you know, the prep conference for the world conference is being held right now in Geneva and really is preventing key witnesses from testifying before us today, so they really will not have the benefit from hearing from Members of Congress who are deeply committed to the success of this conference.

I would also like to thank our panelists and I personally look forward to participating in this conference in Durban, South Africa, and I welcome the chance to discuss it today.

Now, last night, the United States House of Representatives approved the Hyde-Lantos resolution, that was H. Con. Resolution 212, expressing the sense of Congress on the U.N. World Conference Against Racism.

I also believe, though, that H. Res. 211, introduced by Congresswoman McKinney and Members of the Congressional Black Caucus, deserves a full debate on the issue on the floor. The concerns and the aspirations of the African American community should also be considered and it is really, I say, a shame and disgrace that this resolution, for whatever reason, was not allowed to move forward on the floor.

The World Conference Against Racism will provide an important, and credible platform to discuss slavery, xenophobia, sexism, religious intolerance, hate crimes, and other forms of racism. The Native American community, the Asian Pacific American community, and the Latino community, as well as the African American community, deserve to be heard at this conference.

In addition, it is long past due for the United States to formally acknowledge its role in the institution of trans-Atlantic slavery and to begin the healing process for more than 30 million African Americans, many of whom are descendants of slaves.

Now, representatives from the Bush Administration have stated that the United States will not send an official delegation to the World Conference Against Racism in Durban if language regarding slavery and reparations is included in the conference agenda.

However, I strongly believe that the Bush Administration's position on excluding discussion of the trans-Atlantic slave trade and reparations is wrong. It is totally wrong and it must be reconsidered. The United States' unwillingness to address this issue sends the wrong message.

The United States government sanctioned slavery in this country for hundreds of years, completely devastating the lives of generations and generations of Africans in America, so it is crucial that our own government, which played such a massive role in slavery, be at the table discussing issues about slavery, its lasting impact and reparations.

Now, on the International Relations Committee, we regularly question the human rights practices in other countries. I believe it is equally important that we apply the same scrutiny to our own society and examine the very visible vestiges of slavery manifested by the current racial and economic divides that we experience today. When we do, we realize that, as a country, we have not yet conquered the twin problems of racism and economic inequality.

Ours is a country where citizens of color are regularly pulled over by our police force simply because they are the wrong color or in the wrong neighborhood or driving the wrong kind of car. It has happened to me. It has happened to millions of African Americans and other minorities.

Ours is a country where millions of young men of color are behind bars. Our justice system claims to be blind, yet just look at the skin color of those in prison, of those sitting on death row. Those black and brown faces staring out from behind those bars are our people, Americans.

Ours is a country where the votes of African Americans and other minorities, often time, are less likely to be counted than those of white Americans, and ours is a country where blacks earn less than whites, are less likely to own homes and are still subject to the economic marginalization that has really marked this nation for centuries.

Ours is also a nation that is struggling to overcome many of these deep-rooted problems. It is time for America to also recognize, however, that many of these problems are rooted in slavery.

So regardless of when these abuses occurred, Madam Chair, I believe that we see their manifestations in the lives of millions of

Americans and so we have an obligation to discuss it at the conference in Durban.

Racism is also a fundamental question of human rights. Racial prejudice underlies much of the conflict and injustice in the modern world. It fuels wars, it drives ethnic cleansing, and it exacerbates economic inequalities. Racial barriers compound health problems. Just look at the HIV and AIDs pandemic in Africa and in the African American community and in our communities of color in America.

So the World Conference Against Racism, racial discrimination, xenophobia, and related intolerance really will represent an historic opportunity to find real solutions and provide a real dialogue to the victims of these horrible crimes against humanity, which they are.

We must send a strong message, I think, to the Bush Administration that we will no longer bury our heads in the sand. Minimally, the United States Government, I think, should apologize for the horrific institution of slavery, but at least we should discuss this and we should explore methods to address the current economic, health, and social inequalities experienced in daily life by the descendants of slaves who are African Americans.

So this is really just a first step toward racial healing. It is long overdue for the African American community. It is long overdue for America, and I believe that our Administration is wrong in saying that we will not participate officially if, in fact, a discussion of slavery and reparations is on the table.

Thank you, Madam Chair, for the hearings, and I appreciate being able to listen to the testimony today from the witnesses.

Ms. ROS-LEHTINEN. Thank you so much, Ms. Lee.

Ms. Watson?

Ms. WATSON. I, too, would like to thank the Chairwoman and the Ranking Member for allowing me a chance to participate on a Committee that I am not assigned to, but I want to take this opportunity to join my colleagues and say that I plan to attend the World Conference Against Racism. I believe that the conference will address one of the most profound issues facing the world at the beginning of this new millennium. Sadly, it is a very old issue and no nation's hands are clean.

The issue of race, as we well know, has been a defining characteristic in the lives of every citizen of this nation. Whether or not we wish to admit it, we all struggle with it on a daily basis. Racism. What better example than the continued suppression of a people that were taken from their homelands involuntarily and are cast into suppression and oppression? And it still goes on.

It is time that America faces its past. It is time that America admits the contribution made by a people who were taken away from their families and their homeland and have helped build this country, but we struggle every day to have equal opportunity. And I think this conference comes at a very propitious time.

This is the beginning of a new millennium. The last millennium, Jesus Christ was still walking the earth. This millennium, we need to be sure that people walk with dignity and respect. I dislike the word "tolerance". What I would like to replace it with is "engagement" and "respect" for the differences that people bring to this

country. So attending the conference shows the world that America will step up to the plate.

I must agree with Congressman Lantos that, if this conference is taken over by Zionism alone, it will defeat its purpose. But I must say, I would like to hear the dialogue also be representative of a huge issue that it is now time for the United States to face.

What better stage than to be on the international stage standing up for fairness and equality of human beings anywhere they exist?

So I will call on the Administration, if it does not participate, to seriously put together a national conference on racism in the United States. If you are not going to talk about racism throughout the world, then let us confine it to our own country, face it.

I am not talking about reparations. I am talking about the fact of our history. I am talking about recognizing the fact of our history and I am talking about the United States and its commitment in the future to righting the wrongs of the past.

I will not entertain an argument that I frequently get that, "Well, that was so long ago. I was not involved," but your ancestors were, and so the United States has an obligation. I am sorry that they are not positively and constructively taking the role of participating. I am sorry about that. But if the Administration should decide, officially, not to take part, then I think they need to make an official announcement that we are going to deal with our own racism here in the United States.

Participation, dialogue, engagement, and our delegations coming together here in Washington, DC will help me understand the dream of this country. Right now, I do not, and I have been in every elected office, as an Ambassador as well, and I am here in Congress, where policies are made.

I am still disgruntled. I am still disillusioned. I am still dissatisfied because I am in the House that makes policy for America, and America will not stand and come up to the plate. Shame, shame on us.

Thank you, Madam Chair, I appreciate it.

Ms. ROS-LEHTINEN. Thank you very much, and you are also welcome to attend our Subcommittees and I hope that you do in the future.

Before we recognize Mr. Engel and Ms. Carson for their opening statements, I would like Chairman Gilman to chair the Subcommittee. I have a long-standing appointment with the foreign minister of Peru, who is in town and whose schedule is not as flexible, so I apologize.

And thank you, Mr. Gilman, for presiding.

Mr. Engel, you are recognized.

Mr. ENGEL. Well, thank you, Madam Chairwoman, and I am very glad that we are having this hearing this afternoon. We had many discussions about this last week.

I just want to say that it is a shame that the World Conference Against Racism is seemingly being hijacked by some countries who have an agenda. It is really a shame because, as has been mentioned here, racism is still a very important issue and we need to deal with it, not bury our heads in the sand and pretend that it will go away when it is not around, and what better way to deal with it than the U.N. conference?

But, you know, I am Chairman in this House, co-Chairman, there are four of us, of the United Nations Working Group, there are two Democrats and two Republicans, and I have spent a good part of my time these past few years arguing in congress that the U.S. should pay its dues to the U.N. and that the U.S. should be participating with the U.N.

I think, frankly, that the U.N. is at a crossroads now. The question is do they want to return to the bad old days of the 1970s and before that, when the infamous "Zionism is racism" resolution was approved with glee, or do they want to go back to the time when the resolution was repealed and the U.N. moved on to constructive things, like the World Conference Against Racism?

And unfortunately, we can talk in this Congress and come up with statements, but only the member nations of the U.N. can decide that, and I would hope that the U.N. would decide that the issue of racism is an issue that needs to be looked at, needs to be taken seriously, needs to have a conference that deals with it, not a conference as Mr. Lantos so aptly pointed out that only deals with bashing one small nation who happens to be the only democracy in the Middle East.

You know, a couple of weeks ago, the House passed my amendment dealing with child slavery in west Africa, and one of the things that has been so shocking about that is that the chocolate that Americans eat is most likely made by beans that were picked by children who were sold into slavery in west Africa.

This is an issue that the World Conference Against Racism should be dealing with. This is an issue that we in this Congress and in this country should be dealing with, and for a conference to get sidetracked because people want to take it and manipulate it to service their own political ends is really a disgrace.

Yes, there are issues that need to be addressed. I was one of those people who called on the President to issue an Executive order outlawing racial profiling. We do have to deal with that issue in this country and other issues of race in other countries, but I would hope that in Geneva the United Nations' member nations would understand that.

I just want to read a couple of paragraphs of the latest press from Dow Jones today, saying that,

"Under threat of a U.S. boycott, delegates from more than 100 nations began a final effort to salvage the World Conference Against Racism, going quickly into talks Monday,"

that is yesterday,

"after being warned by the U.N.'s top human rights official that Arabs must abandon attempts to equate Zionism with racism.

"The United Nations has already dealt with this issue at great length,' Mary Robinson, U.S. High Commissioner for Human Rights, told the opening of a 2-week session trying to bridge divisions ahead of the racism conference starting August 31 in Durban, South Africa.

"She noted that, a decade ago, the U.N. General Assembly had repealed its 1975 resolution denouncing Zionism, the movement that led to the reestablishment and support of a

Jewish homeland and Biblical lands. 'I believe that it is inappropriate to reopen this issue in any form here and that anyone who seeks to do so is putting the success of the Durban conference at risk,' Robinson said."

I think that sums it all and I hope that if anyone is listening today that they would understand that the conference ought not to be put at risk. It ought to deal with the scourge of racism, not have a political agenda against the state of Israel.

I thank you and I yield back the balance of my time.

Mr. GILMAN. [Presiding.] Thank you Mr. Engel.

I recognize the gentlelady from Indiana, Ms. Carson.

Ms. CARSON. Thank you so very much, Mr. Chairman, and certainly to Madam Chairwoman in her absence.

I appreciate very much this distinguished panel of my colleagues allowing me to squeeze a seat in at the table to discuss this very urgent matter that faces our country today.

Citizens of all backgrounds should be outraged that our own government is threatening to boycott one of the world's most important conferences to date, and so it is with a certain sadness that I make my remarks.

Despite the call of lawmakers close to 2 months ago, the Bush Administration has failed to make a strong commitment to the United States participation in the U.N. World Conference Against Racism.

At the same time, the occasion to discuss racism and reparations is rare and so, in many ways, I am grateful for the opportunity to speak to my colleagues and to the citizens about this issue.

I do not agree with all of the language in the draft agenda and declaration to be adopted by the upcoming conference in South Africa. I do not find it particularly helpful to single out and condemn one country for its treatment of certain peoples or one reason for the persistence of its conflict. If conference participants want to make that approach, a great number of countries must be condemned as well. A sober American voice could help bring balance to this vitally important conversation.

So, despite my disagreement with some aspects of the draft language, I overwhelmingly support U.S. participation in this international forum. Our nation is known around the world for our values of democracy and our willingness to speak about and spread those values. It is thus a particular disgrace that we refuse to join an important international conversation about a persistent enemy of true freedom, that is, racism.

The point is that, despite our disagreements, we all share a common desire to move not only our own country but the entire world one step closer to achieving racial equality and justice. Furthermore, it is in our best interests for the United States to play an international leadership role on this human rights issue. As a country, we must engage the world on the issue, not practice a policy of isolation.

The United States has much to contribute to the dialogue on racism. Equally important, we have much to learn from participating in such a dialogue. Furthermore, the goal of this international conference is to build a consensus on how to best address the continuing effects of racism. While participating in the United Nations

conference, the United States delegation can find common ground on some of those issues.

Personally, and as a member of the Congressional Black Caucus and the United States Congress as well, I feel that it is important that the issue of reparations be discussed at the upcoming conference. Though slavery ended, supposedly ended, in this country more than a century ago, segregation is still a daily reality for millions of our people who have no access to adequate education, to health facilities, to housing, and who are disproportionately by numbers incarcerated in prisons around this country.

Some seem to be fearful of our nation's international engagement on problems of worldwide dimension, but we should not be afraid to ratify a document that reaffirms the very principles upon which our country was founded: equal rights and equal protection, already codified in the International Covenant on Economic, Social and Cultural Rights.

Many people still praise the great emancipator Abraham Lincoln, who wrote in his Gettysburg Address that all people are created equal. Under traditional human rights laws, governments that practice or tolerate racial discrimination are required to end such human rights violation and to compensate the victims.

Regardless of the passage of time, a government that sponsored or permitted slavery, the slave trade, or other racist practices should not be allowed to avoid responsibility. This is not a radical concept. In fact, it is wholly endorsed by the same Human Rights Watch that Members of the United States Congress quote regarding human rights violations around the world.

At the end of the day, this country must face the reality that slavery was and continues to be a crime against humanity and one whose consequences continue to affect people of African descent living in this country today.

So, Madam Chair, our participation in this world conference against racism can not only improve the prospects for the resolution of these long-buried issues, but it can perhaps make America learn and grow as well.

In America, the dream remains unfulfilled. It is not hard to see that racism remains America's unfinished business and I would urge gain the Administration to participate in this international effort to restore justice and hope to people across the world.

Thank you very much for the time that this prestigious Committee has allowed the little girl from Indiana to speak.

[The prepared statement of Ms. Carson follows:]

PREPARED STATEMENT OF THE HONORABLE JULIA CARSON, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF INDIANA

Madame Chairwoman, I come before you today to speak to the urgency of a grave situation facing this country.

Citizens of all backgrounds should be outraged that our own government is threatening to boycott one of the world's most important conferences to date.

And so, it is with a certain sadness that I make my remarks. Despite the call of lawmakers close to two months ago, the Bush Administration has failed to make a strong commitment to U.S. participation in the UN World Conference Against Racism.

At the same time, the occasion to discuss racism and reparations is rare and so, in many ways, I am grateful for the opportunity to speak to my fellow lawmakers and citizens about these issues.

Madame Chairwoman, I do not agree with all of the language in the draft agenda and declaration to be adopted by the upcoming conference in South Africa.

I don't find it particularly helpful to single out and condemn one country for its treatment of certain peoples, or one region for the persistence of its conflict.

If conference participants want to take that approach, a great number of countries must be condemned as well. A sober American voice could help bring balance to this vitally important conversation.

But, we should not be afraid to ratify a document that reaffirms the very principles upon which our country was founded—equal rights and equal protection, already codified in the International Covenant on Economic, Social and Cultural Rights.

Under traditional human rights law, governments that practice or tolerate racial discrimination are required to end such human rights violations and to compensate the victims.

Regardless of the passage of time, a government that sponsored or permitted slavery, the slave trade or other racist practices should not be allowed to avoid responsibility.

This not a radical concept, in fact it is wholly endorsed by the same Human Rights Watch that Members of the U.S. Congress quote regarding human rights violations around the world.

At the end of the day, this country must face the reality that slavery was and continues to be a crime against humanity, and one whose consequences continue to affect people of African descent living in this country today.

The day will come when the crimes committed against people of African descent will be acknowledged and addressed. The question is how, and the question is how long will the United States put off the inevitable.

Our participation in this world conference against racism can only improve the prospects for the resolution of these long-buried issues.

Madame Chairwoman, I believe that the time is ripe for a discussion of the issue of reparations. Although Affirmative Action is certainly a useful tool to address past and present discrimination in employment and admissions, Affirmative Action cannot address the social and economic forces that continue to marginalize African Americans as a group from the mainstream economy.

Though many African Americans have received increased access to higher education and employment opportunities in the last 40 years, 1/3 of all African Americans continue to live below the National Poverty line. Among White Americans, that number is less than 10 percent.

Mr. GILMAN. Thank you, Ms. Carson, and we appreciate your comments.

Mr. Tancredo, do you have any comments?

Mr. TANCREDO. No.

Mr. GILMAN. If there are no further comments, we will proceed with our witnesses.

Joining us today from the Department of State are William B. Wood and Steve Wagenseil.

William Wood is Principal Deputy Assistant Secretary of State for the Bureau of International Organization Affairs, where he is responsible for all aspects of U.S. foreign policy at the U.N. and a number of other multilateral organizations.

Immediately before that assignment, Mr. Wood was political counsellor at the U.S. mission to the U.N., where he was the chief U.S. negotiator for the security council. Mr. Wood has previously worked as the chief U.S. negotiator in the security council.

A career foreign service officer, his overseas assignments have taken him to Argentina, to El Salvador and Italy. In Washington, he served on the policy planning staff for Latin America, as a special assistant in the Bureau of Political and Military Affairs and on a number of functional regional desks.

His areas of expertise include multilateral affairs, peacekeeping operations, conventional arms control, economic development and political military affairs.

Welcome back, Secretary Wood.

With regard to Mr. Steve Wagenseil, he is currently the Director of Multilateral Affairs at the Bureau of Democracy, Human Rights, and Labor and in that position he served on the U.S. delegation to the preparatory meetings of the World Conference Against Racism and its activities with World Conference Against Racism Inter-agency Task Force.

Prior to his work as Director of Multilateral Affairs, Mr. Wagenseil, an African specialist, served many posts in our U.S. embassies throughout Africa such as in Lesotho, Mali, Zimbabwe, Cameroon, Senegal, and other African nations. Furthermore, in the late 1980s, he worked closely with the implementation of the Namibian independence plan.

Thank you very much for joining us today and we look forward to your insight, Mr. Wagenseil.

Gentlemen, you may give your testimony in fully or summarize your remarks, in which case they will all be made part of the record, as you may deem appropriate.

Mr. Wood?

STATEMENT OF WILLIAM B. WOOD, PRINCIPAL DEPUTY ASSISTANT SECRETARY, BUREAU OF INTERNATIONAL ORGANIZATION AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. WOOD. Thank you very much, Mr. Gilman. It is good to see you sitting in the Chairman's chair and I would also like to send my best regards to Congresswoman Ros-Lehtinen.

Mr. GILMAN. Thank you. She should be back momentarily.

Mr. WOOD. It is an honor to be here to testify on the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance before this Subcommittee.

The conference will take place in Durban from August 31st to September 7th. Because the WCAR concluding documents are currently under active negotiation in Geneva, Steve and I will be forced to limit what we can say at this time about our positions and negotiating tactics, nor will we be able to characterize except in the most general terms the positions of other delegations.

You have received my written testimony, which I will try to summarize briefly now, focusing on two areas.

Mr. GILMAN. Your full statement will be made part of the record.

Mr. WOOD. My testimony will focus on two areas: how we view the conference and diplomatic efforts made to ensure its success.

The U.S. has supported the World Conference Against Racism across two Administrations. If I can summarize, we support the views of the Members of this Subcommittee who have all expressed their view that there is a need for a successful World Conference Against Racism. That is the view of the Bush Administration as it was the view of the Clinton Administration. But we also believe that the world needs a World Conference Against Racism which will unite and not divide and will focus on the way forward, not solely on the road already traversed.

In 1998, the U.S. co-sponsored the U.N. General Assembly Resolution Against Racism which called for this third world conference. There have been four international meetings by region to prepare for the World Conference Against Racism. The United States at-

tended most of them, all of them to which we were invited, and participated actively at the regional meeting for the Americas in Santiago, Chile.

We also have been active in two all-states preparatory committees held in Geneva and the White House has sponsored a series of meetings around the country to gather national views on this important event, as well as maintaining a constant dialogue with interested non-governmental organizations.

The United States has a positive agenda and our presence in the preparatory process has extended the scope of discussion and proposals within the world conference to include removal of discrimination in the criminal justice process, elimination of racial profiling, diversity in all aspects of law enforcement, prohibiting violence motivated by race, color, descent or similar reasons, promoting minority-owned businesses, globalization, health, environment, HIV AIDS, access to education and the impact of multiple discriminations especially upon women.

In many cases, our ideas have found acceptance while others are still under negotiation.

My colleague, Steve Wagenseil from the Bureau of Democracy, Human Rights and Labor, will address these issues.

Let me say briefly in response to Congresswoman Lee, Steve fact is part of our negotiating delegation in Geneva and will be leaving on a plane immediately following this hearing in order to join our delegation and do that work. Similarly, some of the people sitting behind me have postponed their travel to Geneva in order to appear before this hearing.

In all of our cases, those of us who will be traveling to Geneva and those of us who will not be traveling to Geneva, our commitment to a successful World Conference Against Racism, if one can be achieved, is very, very high.

In recent weeks, we have accelerated our diplomatic efforts around the world. President Bush and Secretary Powell have participated directly in this process with foreign leaders. In all of our discussions, our message has been consistent: we want the WCAR to be a success. This point was made again on Friday to representatives of 44 nations here in Washington by Under Secretary for Political Affairs Grossman and Under Secretary for Global Affairs Dobriansky.

But as we briefed the Subcommittee last week, the draft texts under consideration include language that characterizes the situation in the Middle East and diminishes the unique tragedy of the Holocaust in Europe. We will take the position on that language that we have taken when we encountered such language in other forums. We will not accept the unacceptable.

Concerning the trans-Atlantic slave trade and calls for reparations or compensation, no one should doubt the profound regret of the United States that our country was ever associated with the abomination of slavery. The U.S. has expressed in international forums, including the WCAR preparatory meetings, its readiness to join with all WCAR participants in an expression of regret for historic injustices such as slavery and the slave trade. However, the most important of the WCAR's objectives is to unify the world to

combat contemporary forms of racism. The U.S. has therefore opposed the call for reparations for a variety of reasons.

First, there is no consensus on such a subject in the United States and therefore we do not wish to represent such a consensus overseas.

Second, it is not clear what the legal or practical effect of such reparations for this particular injustice would be, nor is it clear that reparations would help to eliminate contemporary racism.

The U.S. is strongly committed to helping Africa to meet its development challenges, to overcome ethnic strife and to assist African states to end conflict so that the continent can assume its rightful role in the world. We believe, for instance, that the new Africa initiative, recently proposed by President Mbeki of South Africa, may provide a useful way forward. Support for the new Africa initiative would reflect a shared commitment to overcome Africa's development challenges.

The Administration is also active in a number of other initiatives which directly relate to Africa. The President spoke just a few days ago about restructuring World Bank assistance to Africa from loans to grants. Secretary Powell has joined with others in the Administration in a personal effort to address the crushing problem of AIDS in Africa and elsewhere. These are just a couple of our initiatives. Africa is very, very high on the agenda of the State Department and of the Administration.

In his recent testimony to the Senate Foreign Relations Committee, Secretary Powell stressed that he was anxious to see strong U.S. participation in the World Conference Against Racism, but that serious work needed to be done to eliminate the Zionism is racism proposition and to avoid the question of compensation for slavery and things of that nature that would detract from the purpose of the conference.

Right now, the United States is focused on the preparatory committee. Although we have made a decision that we want to support a successful world conference as strongly as possible, we have made no final decision on an official delegation. All options are on the table. We will take that decision following the results of the preparatory committee.

The World Conference Against Racism represents an opportunity for the nations of the world to act on a matter of worldwide concern and high priority for the United States. The recent General Assembly Special Session on HIV AIDS showed that it was possible to reach global agreement on an urgent global need. We will continue to do our very best to make the WCAR an equal success.

I would like to note just a couple of quick responses to opening statements.

Congresswoman McKinney, speaking both personally and as a member of the Administration, there is no opposition to the WCAR within the Administration. There is, however, opposition to destructive provisions currently included in the documents, destructive provisions that we believe could so prejudice the balance and constructiveness of the WCAR that we might not be able to attend.

Second, I would like to assure you that both the White House and the State Department to the very top levels have as one of their highest goals the elimination of racism in all of its forms.

Finally, I would like to thank Congresswoman Lee for her participation in the U.N. Special Session on HIV AIDS. It was a tough negotiation and it turned out well for all of us. It is that kind of success that we hope to repeat in the World Conference Against Racism but, in order to do that, we have to keep our eye on the goal.

Thank you very much.

I would note that my colleague, Steve Wagenseil, will join me in answering questions.

Thank you very much.

[The prepared statement of Mr. Wood follows:]

PREPARED STATEMENT OF WILLIAM B. WOOD, PRINCIPAL DEPUTY ASSISTANT SECRETARY, BUREAU OF INTERNATIONAL ORGANIZATION AFFAIRS, U.S. DEPARTMENT OF STATE

The World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (the WCAR) is the result of years of work. There have been two previous UN-sponsored conferences against racism, in 1978 and 1983. The U.S. was unable to attend those conferences because, in our view, unbalanced language singling out situations in Africa and the Mideast would have divided the world, rather than unify it to take concrete steps to fight racism and intolerance.

In 1998, the U.S. co-sponsored the General Assembly resolution against racism, which called for a third World Conference. In addition, in contrast to our general practice of opposing such global conferences, we not only agreed to pay our share of the UN costs of the conference, but voluntarily contributed \$250,000 to UN Secretariat. The Conference will take place in Durban, from August 31 to September 7. It is appropriate here for us to congratulate South Africa on its hard work and its positive, constructive, consensus-building approach.

The General Assembly resolution designated the UN High Commissioner for Human Rights, Mary Robinson, to be Secretary General of the conference, with main responsibility for all its preparations. Also pursuant to that resolution, there have been regional meetings to prepare for the conference in Europe, the Americas, Africa, and Asia. The U.S. attended the first three and participated actively at the meeting in Santiago, Chile, which, for purposes of this conference, hosted the regional meeting for the Americas. The WCAR has also been discussed extensively in the General Assembly, which adopted additional resolutions in 1999 and 2000 as well as in other UN fora, most notably the Commission on Human Rights. The U.S. was a sponsor of the Racism Resolution, adopted by consensus at the Commission this year.

Two all-states Preparatory Committee meetings already have taken place in Geneva to develop a draft conference declaration and a program of action. Again, the U.S. has been an active participant in both the formal and informal discussions of the PrepComs, as well as an active advocate with our drafting partners during discussions between the sessions.

The preparatory process has significantly broadened the scope of issues under consideration. To cite only a few examples, there is now extended discussion in the draft texts of globalization, criminal justice, health, environment, HIV/AIDS, indigenous issues, the impact of multiple discriminations, especially for women, and access to education. In discussions of all of these issues, the U.S. has much to contribute.

The U.S. has undertaken a year-long effort to inform other governments, UN Secretary-General Kofi Annan, and UN High Commissioner for Human Rights Mary Robinson of our views, to listen to theirs, and to coordinate our positions so that the WCAR can enjoy the greatest possible success. President Bush and Secretary Powell have participated personally in a number of these discussions. In preparation for the Third Preparatory Committee, these discussions have accelerated, including during the U.S.-EU Summit, discussion at the G-8 meeting, and in demarches at New York, Geneva and in capitals around the world. The WCAR has been raised during the President's and Secretary's meetings with world leaders during the UNGA Special Session on AIDS and during the Secretary's recent trips to the Middle East and Asia.

The Third Preparatory Committee meeting for the WCAR, the final one before the conference itself convenes at the end of August, began yesterday. The U.S. team is a strong one, headed by the Assistant Secretary of State for Democracy, Human Rights and Labor, Lorne Craner. Senior representatives from the White House Task

Force and the State Department bureaus responsible for human rights and for international organizations will also participate.

Because the WCAR concluding documents are currently under active negotiation in Geneva, we will be forced to limit details on what we can say at this time about U.S. substantive positions or our negotiating tactics. Nor will we be able to characterize except in the most general terms positions of other delegations.

The U.S. also has been active domestically in preparing for the conference. The White House created the WCAR interagency task force in 2000. The Bush Administration has continued to place responsibility for overall coordination for U.S. participation in the conference in the Task Force, in consultation with senior members of the White House staff and the Working Group on Race. The State Department is responsible for the foreign policy and diplomatic aspects of the conference, as we are for international human rights issues in general. The State Department, and other federal agencies, have provided experts to the Task Force and State has contributed funding for Task Force operations and worked closely with it since its inception. The Task Force has been represented on our delegations to the regional meetings in Europe, the Americas and Africa, as well as to the PrepComs and the inter-sessional talks in Geneva.

One of the goals of the Task Force has been to consult with a broad range of the American people regarding the conference. The Task Force has organized public meetings on the WCAR in Washington, Albuquerque, Atlanta, and Chicago, as well as a public effort designed to ensure that the broadest range of voices be heard on the issues. This public outreach effort is consistent with the global WCAR approach, which incorporates the participation of civil society and non-governmental organizations, and new technologies such as the Internet. Also, in addition to the official activities of the conference, there will also be a Youth Summit in Durban (August 26–27) as well as an NGO forum, August 28–September 1, where more than a thousand groups from around the world are scheduled to participate. The U.S. has actively encouraged the presence of American NGOs at Durban.

THE ISSUES

WCAR participants are working on a non-binding declaration and a “program of action.” The WCAR is not intended to create a new international legal instrument. It is intended to advance the commitment of governments around the world to the elimination of racism and related intolerance and to lay out concrete steps to help reach that goal. In the draft declaration, which runs to some 115 operational paragraphs, many of the paragraphs reflect the agreed objectives of the Conference. In the draft program of action, which runs to some 50 pages, the same situation is prevails.

In all of our demarches and discussions, at every level, our message has been consistent—we want the WCAR to be a success. We believe the WCAR, without forgetting or ignoring the past, should serve to unify the international community behind concrete steps to reduce racism, xenophobia, and related intolerance in the contemporary world. We will support initiatives that contribute to that goal and we will resist initiatives that, in our view, are inconsistent with it.

In keeping with this perspective, at the Santiago Regional Conference, in the working meetings, and at the PrepComs in Geneva, the U.S. has attempted to:

- acknowledge historic injustices against Africans, Native Americans and others;
- focus the work of the conference on present day manifestations of racism and intolerance, and how best to combat them; and
- share our national experiences with the world, even as we listen to and learn from other countries.

We have a positive agenda. In some cases, our ideas are finding easy acceptance. In other cases, further negotiation will be necessary.

U.S. initiatives include new views and concrete steps on criminal justice, the elimination of racial profiling, diversity in all aspects of law enforcement, and prohibiting violence motivated by race, color, descent or other prohibited animus.

The U.S. will also challenge the nations of the world to create and expand businesses dedicated to improving economic and educational conditions in under-served areas. The U.S. will work to include in the program of action policies to support such businesses, including by increasing access to capital through community development banks.

The U.S. is urging agreement by other nations to join us in compiling and publishing, where appropriate, dis-aggregated statistical data by race and ethnicity to

determine whether employment policies or programs have an unjustified disparate impact on racial and ethnic minorities.

The U.S. is working hard to introduce principles in the declaration on a host of issues, including: treatment of immigrants and refugees; equal opportunity for people with disabilities; and programs that support civil society in combating racism, poverty and intolerance. Illustrative U.S. proposals are included in an annex to this submission.

In addition to such positive initiatives in the WCAR, two areas of particular concern deserve mention.

The draft texts under consideration at the PrepCom contain inflammatory language relating to the Mideast. Some of this language, although different from that put forward in previous WCARs, is similar in meaning. Other such language has the effect of diminishing the historically unique tragedy of the Holocaust in Europe. Still other language uses highly emotive and unbalanced terms to characterize the situation in the Mideast. It is not unusual, at this point in the negotiation of a multilateral document, to have unacceptable language relating to the Mideast in the draft. It is unusual to find it so inflammatory and repeated in so many different ways.

The U.S. will take the position we have taken when we encountered such language in other forums: we will not accept the unacceptable. We have made our concerns clear to other states participating in the WCAR, including at the highest levels. Although this language was introduced on behalf of the Organization of the Islamic Conference, it is by no means clear that it enjoys serious support from all or even a majority of Islamic nations. We have worked closely with many other moderate delegations from around the world to get such language removed. We also are in consultation with the Government of Israel on this issue.

Our position is similar regarding extreme and unbalanced language relating to the trans-Atlantic slave trade and calling for reparations or compensation. No one should doubt the profound regret of the U.S. that our Constitution and our society were ever associated with the abomination of slavery. The fact that slavery was a historical phenomenon and a prevalent practice in virtually all parts of the world does not diminish that regret. Indeed, our memory serves to increase our horror at the failure of some in the UN Commission on Human Rights to support the characterization by the UN Special Rapporteur as "slavery" of practices in contemporary Sudan and, to a lesser extent, elsewhere.

But selective memory and selective calls for redress are inconsistent with the goals of the WCAR. One of the many goals of the WCAR is to examine the historic roots of intolerance and racial discrimination. The U.S. has expressed its readiness to join with all other WCAR participants in an expression of regret for historic injustices, such as slavery and the slave trade. However, the most important of the WCAR's objectives is not to focus on the past but to look at contemporary manifestations of intolerance and how we can work together to solve them—a point underlined by High Commissioner Mary Robinson and UN Secretary General Kofi Annan in recent statements before the UN Human Rights Commission and elsewhere.

Our emphasis has been on encouraging other states to create national legal structures to provide recourse and remedies to victims of contemporary racism. The U.S. has consistently opposed the call for reparations for a variety of reasons, and will continue to do so. There is no consensus in the U.S. on payment of reparations. It is not clear what would be the legal or practical effect of a call of reparations for injustices more than a century old. Nor is it clear that such a call would contribute to eliminate racism in the contemporary world.

In keeping with our future-oriented approach to the situation in Africa, the U.S. has been active in seeking new, more productive ways to assist Africa to develop. Under Secretaries Grossman and Dobriansky convened a substantial number of resident Ambassadors and officials from key WCAR states on July 27 to stress our desire to attend the Durban meeting, the importance we place on resolving key issues at the Geneva prepcom—and our desire to work together with their countries towards this end.

We believe that the New African Initiative—as discussed at the G-8 Summit in Genoa—may provide a useful way forward. Support for the New African Initiative would reflect a shared commitment to overcome Africa's development challenges. We could tailor support for the initiative to help overcome the legacies that contribute to modern day development and racism-related challenges. Cooperating to end the conflicts in Africa and to assist Africa to develop so that it can assume its rightful place in the world is also a high priority of U.S. foreign policy.

Similarly, working with Latin American and Caribbean partners as discussed at the Quebec Summit of the Americas, the United States plans to establish Centers for Excellence in our own hemisphere. We envision incorporating curricula on mod-

ern racism, racial discrimination, and training modules on tolerance and conflict resolution.

CONCLUSION

In his testimony to the Senate Foreign Relations Committee on a variety of topics on June 20, Secretary Powell stated that “serious work” needed to be done to remove the points which put the conference “in danger of becoming mired in past events.” The Secretary stressed to High Commissioner Mary Robinson and in his SFRC testimony that he is “anxious to see strong U.S. participation in the conference but that some serious work needed to be done to eliminate such issues as the ‘Zionism is racism’ proposition or getting into slavery and compensation and things of that nature which would detract from the purpose of the conference.” Right now, the U.S. is focused on the work of the PrepCom. Although we have made a decision that we want to support a successful WCAR as strongly as possible, we have made no final decision on an official delegation to Durban. We will take that up on the basis of the results of the PrepCom.

In conclusion, the WCAR represents an opportunity for the nations of the world to act in a matter of worldwide concern and high priority for the U.S. The recent UNGA Special Session on HIV/AIDS showed that it was possible to reach global agreement on an urgent global need. We will continue to do our very best to make the WCAR an equal success.

U.S. PROPOSED LANGUAGE FROM OUR MAY 11, 2001 SUBMISSION TO THE UN SECRETARIAT

EDUCATION

The World Conference urges Governments, non-governmental organizations, and the private sector to:

- Develop programs that help all students achieve educational excellence. Establish as a fundamental premise of educational policy that all children—regardless of race, color, descent or national or ethnic origin—can learn and master challenging material.
- Adopt and implement laws that prohibit discrimination on the basis of race, color, descent, or national or ethnic origin at all levels of education. Eliminate educational practices within and among schools that contribute to deficiencies in minority student achievement and limit access to quality education.
- Remove barriers and ensure equal access to quality education that prepares students for responsible citizenship, improves the state of adult literacy, and maximizes opportunities for employment in today’s job markets, especially in technology and industry which demand higher level technical, literacy, and communication skills.
- Establish and implement methods to measure and track improvement in disadvantaged youth education performance and the impact of that performance on the goal of closing educational and opportunity gaps among students of different races, ethnicities, and national origins. Develop systems of accountability to address these continuing gaps.
- Establish and implement plans and programs to improve the education of disadvantaged youth that *inter alia* close all educational and opportunity gaps among students of different races, ethnicities, and national origins; target resources more effectively to reach the students in greatest need; fund school-community partnerships to keep community schools open after school and summers as safe havens for enhanced learning; and develop new partnerships for increased outreach and technical assistance to give students, parents, and educators the information, training and tools needed to ensure equal educational opportunity.
- Foster or establish partnerships of high poverty schools with parents, colleges and universities, community organizations, and businesses to:
 1. provide students tutoring, mentoring, an emphasis on core academic preparation, information on college preparation, continuing education opportunities, and financial assistance; and
 2. ensure that teachers’ initial preparation and ongoing professional development is grounded in practical experience and aligned with content performance standards designed to achieve educational excellence.

- Establish financial assistance programs designed to enable all students regardless of race, color, descent or ethnic or national origin to attend institutions of higher education. Maximize the use of instructional technology to provide access to any student anywhere despite remote rural locations or high poverty circumstances.
- Adopt appropriate accommodations to enable students with special needs, such as students whose primary language is not the language used in the school and students with disabilities, to participate fully in the educational process.
- Establish programs that attract and retain high quality teachers to high need, high poverty school districts.
- Support efforts to ensure safe school environments free of violence and free of harassment on the basis of race, color, descent or national or ethnic origin.
- Improve literacy by emphasizing early childhood reading instruction and comprehensive reading programs in the early years of school.

CRIMINAL JUSTICE

The World Conference urges Governments, non-governmental organizations, and the private sector to:

- Teach public officials—including police, prosecutors, and judges—about inter-

- Take steps to improve access to public information on health and environmental issues by all people, including racial or ethnic minorities, indigenous peoples, or low-income populations, and collect and report on environmental conditions relating to them.
- Take measures to ensure that all people, including racial or ethnic minorities, indigenous peoples, and low-income populations have access to, and the ability to meaningfully participate in, the public process for environmental decision-making that may affect them.
- Identify environmental and other problems affecting the health of all people, including racial or ethnic minorities, indigenous peoples, or low-income populations and design and implement strategies to address health and health care related problems.
- Promote compliance with and enforcement of all health and environmental laws, including in areas inhabited by racial or ethnic minorities, indigenous peoples, or low-income populations.
- Identify and address the adverse effects of a government's policies and programs on the human health and environment in targeted areas, including those inhabited by racial or ethnic minorities, indigenous peoples, or low-income populations.
- Seek to prevent or minimize pollution and exposure to pollution from industrial facilities in all areas, including those inhabited by racial or ethnic minorities, indigenous peoples, or low-income populations.
- Undertake cost-effective measures to redevelop contaminated sites, to turn them into usable space that is clean and safe for human use and habitation, create jobs, and enhance community development, with particular emphasis on minority and low income populations.
- Encourage governments to share technology and best practices to improve human health and the environment in all areas, including those inhabited by racial or ethnic minorities, indigenous peoples, or low-income populations.

CIVIL SOCIETY/NGOS

- The World Conference calls upon Governments to explore means to expand the role of non-governmental organizations in society. Non-governmental organizations, consisting of voluntary associations, citizen's groups, places of worship, and other community groups, play a vital role in deepening the ties of cooperation among citizens and promoting greater trust across racial and class divides. By promoting wider citizen involvement and more voluntary cooperation, civic associations generate important social capital, including greater social cohesion and racial harmony and more durable democratic values.
- Promoting greater respect and trust among ethnic, racial and religious groups must be the work of citizens and grass roots organizations, not merely governmental institutions and political leaders. Private, voluntary associations play an important role in promoting the public interest, including and especially in the area of racial harmony. The World Conference seeks to encourage the renewal of civil society and voluntary associations, especially citizen-led organizations whose purpose is to promote greater citizen cooperation. The World Conference commends particularly the World's diverse faith traditions for their uniform commitment to the principles of human worth and dignity, and urges leaders from the faith community to confront the moral evil of racism, and to promote and sponsor new dialogue and partnerships to bring about racial healing and harmony.
- Invite the faith community to participate in promoting economic and community revitalization; encourage faith leaders to foster greater cooperation and contact between diverse racial groups;
- Promote a wider role for grass roots organizations consisting of citizen volunteers for the purpose of confronting economic and social problems, including racial disharmony;

HEALTH

The World Conference urges Governments, non-governmental organizations, and the private sector to:

- Provide effective mechanisms for monitoring and eliminating racial and ethnic discrimination in the health care system, such as the development and enforcement of effective anti-discrimination laws.
- Take steps to ensure equal access to comprehensive, quality health care for all, including primary health care to medically under-served people; and facilitate training of a health workforce that is both diverse and motivated to work in under-served communities. Work to increase diversity in the health care profession by recruiting promising and talented women and men from all groups, including racial and ethnic minorities, for health care careers and retaining them in the health professions. Particular efforts should be made to recruit women and men who have the ability to interact effectively with all groups.
- Take steps to improve the collection, analysis and use of data disaggregated by race and ethnicity to reduce disparities in access to health care and improve the overall health status and health outcomes of minority and indigenous populations.
- Work with health care professionals, community-based health providers, non-governmental organizations, faith-based organizations, scientific researchers and private industry to expand the knowledge base about racial and ethnic health disparities and to improve the health outcomes of minority and indigenous populations.
- Adopt and implement policies and programs to improve HIV/AIDS prevention efforts in high-risk communities and work to expand availability of HIV/AIDS care, treatment and other support services.

LABOR, EMPLOYMENT, AND ECONOMIC ISSUES

The World Conference urges Governments, non-governmental organizations, and the private sector to:

- Promote the advancement of democracy throughout the world to ensure the opportunity for individual advancement in a free society, recognizing that democracy promotes equal opportunity and individual achievement when an economy reflects that democracy.
- Support the creation of workplaces free of discrimination through a multi-faceted strategy that includes civil rights enforcement, public education and communication within the workplace. Promote and protect the rights of workers who are subject to racism, racial discrimination, xenophobia and related intolerance.
- Seek to avoid the negative effects of discriminatory practices in employment by promoting the recognition of international instruments addressing workers' rights, including the Declaration on the Fundamental Principles and Rights at Work.
- Foster the creation, growth and expansion of businesses dedicated to improving economic and educational conditions in under-served and disadvantaged areas, by increasing access to capital through, inter alia, community development banks, recognizing that new businesses can have a positive, dynamic impact on communities in need. Work with the private sector to create jobs, help retain existing jobs, and stimulate industrial and commercial growth in economically distressed areas.
- Compile and publish, where appropriate, disaggregated statistical data by race and ethnicity to determine whether employment policies or programs have an unjustified disparate impact on racial and ethnic minorities and support the development of specific policies or programs.

DISABILITIES

The World Conference urges Governments, non-governmental organizations, and the private sector to:

- Recognize that individuals from disadvantaged groups who also have physical and mental disabilities are even more likely to be denied equal opportunity with regard to employment and education, and be denied equal access to health services, housing, public accommodations, transportation, communication, recreation, voting, and other basic public services. Consider adoption of clear, strong, consistent and enforceable standards addressing discrimination against individuals with disabilities, including those from disadvantaged groups.

- Compile and publish data to determine the extent to which people with disabilities, including those from disadvantaged groups, are not receiving basic social services so that States can develop specific policies and programs to remedy this type of exclusion.

MIGRATION

The World Conference urges Governments, non-governmental organizations, and the private sector to:

- Recognize that orderly migration can provide a benefit to all our societies.
- Reaffirm the sovereign right of each State to formulate and apply its own legal framework and policies for migration, including the granting of permission to migrants to enter, stay, or engage in economic activity.
- Comply with their obligations under applicable international human rights instruments and domestic human rights and labor laws in protecting the rights of migrants and their families.
- Comply with their obligations under international human rights, refugee, and humanitarian law in protecting refugees and other forced migrants, including internally displaced persons, recalling that persecution on account of race is one of the grounds of persecution recognized in international refugee law.
- Take seriously their humanitarian commitments, without discriminating among the different regions of the world, with regard to the principles of international protection, international cooperation and burden sharing.
- Recognize that documented long-term resident migrants should have the same economic opportunity and bear equivalent responsibilities, corresponding appropriately to non-citizens, as other members of society.
- Support or otherwise establish regional, comprehensive dialogues on migration that focus not only on law enforcement and border control, but also on the promotion and protection of the human rights of migrants and on the relationship between migration and development. Involve civil society in these dialogues.
- Consider adopting and implementing immigration policies and programs that would enable immigrant women and children who are victims of spousal and domestic violence to free themselves from abusive relationships. These policies could, for example, allow abused immigrant women to file for immigration relief without their abuser's knowledge and give them the ability to cooperate with law enforcement to prosecute the abusers.
- *Recognize* that sexual violence during armed conflict constituting serious violations of international humanitarian law have been used as a tool of systematic forms of discrimination, abuse and genocide directed against racial or ethnic populations of non-combatants, and that race and gender combine to make women particularly vulnerable to certain types of violence, particularly sexual violence.
- *Reaffirm* that serious forms of sexual violence can constitute a gross violation of human rights, and when committed or condoned in the context of armed conflict, a serious violation of humanitarian law.
- *Ensure* that perpetrators of sexual violence in armed conflict and those in authority who tolerate its use are identified, investigated, prosecuted, and punished.

Mr. GILMAN. Mr. Wagenseil, you have no testimony direct?

Mr. WAGENSEIL. No, I have no opening statement, sir.

Mr. GILMAN. All right. Thank you very much.

Ms. WATSON. Mr. Chair, may I just raise a question?

Mr. GILMAN. Do you have a point of inquiry?

Ms. WATSON. Yes, I do.

Mr. GILMAN. Please proceed.

Ms. WATSON. Yes. Thank you so much for that opportunity.

This speaker mentioned that the Administration wants to deal with contemporary——

Mr. GILMAN. Well, will the gentlelady withhold?

If you are going to put a question to the panel, please wait until we call on Members in the order in which they appeared, if you would not mind.

Ms. WATSON. Okay. I do have to leave for another Committee meeting, so—

Mr. GILMAN. Do you have just one question?

Ms. WATSON. Yes.

Mr. GILMAN. All right. Please proceed.

Ms. WATSON. The gentleman spoke of contemporary racism, which disregards the seeds that grew into the discriminatory practices of yesterday and still today. Would you speak to the Administration about supporting such a conference on racism dealing with contemporary racism and former racism?

Mr. WOOD. I will be glad to, Madam Congresswoman. I can say that the White House has formed a working group on race and there is already heavy focus within the Administration on such a subject, but we will be glad to raise your proposal for a national conference against racism. I am glad to pass that on.

Ms. WATSON. Yes. I will write a letter to that effect to you and if you will pass it on to the White House, I would appreciate it.

Mr. GILMAN. Thank you.

I ask unanimous consent, then, that a statement by Jason Isaacson, the Director of Government and International Affairs, the American Jewish Committee, dated July 31, 2001 be entered in the record of this hearing.

[The information referred to follows:]

PREPARED STATEMENT OF JASON F. ISAACSON, DIRECTOR OF GOVERNMENT AND INTERNATIONAL AFFAIRS, THE AMERICAN JEWISH COMMITTEE

Madame Chairwoman, Members of the Committee:

The American Jewish Committee appreciates this opportunity to set forth our concerns about the United Nations' World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which convenes one month from today in Durban, South Africa.

But first, on behalf of my organization, which has been deeply involved for nearly a century in the international struggle for human rights as well as in the ongoing struggle for civil rights and vehement opposition to bigotry in our own country, I must set our concerns in context.

The American Jewish Committee has had high hopes for this World Conference. As an organization long and closely involved in the work of the United Nations—with consultative status before the UN Economic and Social Council, through our Jacob Blaustein Institute for the Advancement of Human Rights, and representation before UN agencies in Geneva through our UN Watch institute—we have consulted with UN officials, member states' diplomats and non-governmental organization representatives for the last four years in pursuit of a successful 2001 World Conference.

An honest, fair, non-politicized and ultimately successful conference in Durban is our earnest objective—in the interests of racism's multiple victims, for the betterment of society, and to fulfill the demands of conscience of the civilized world. If not diverted from the worthy principles in which it was conceived, much good could yet come from the World Conference Against Racism. Racism and racial discrimination are blights on humanity, and a forthright examination of these pernicious and pervasive phenomena would be a valuable contribution to public understanding and a spur to action. Indeed, the final product of the Durban conference, we believe, should be a forward-looking, practical, action-oriented document that reflects and encourages implementation of the best practices of anti-racist and anti-discrimination efforts of our times.

Regrettably, Madame Chairwoman and Members of the Committee, the positive aspects of an international conference devoted, at its core, to the noble fight against bigotry and hate threaten to be overturned by a concerted effort to politicize and

polarize the Durban forum as yet another engagement in the ongoing campaign to isolate, defame and delegitimize the State of Israel.

This campaign must not be allowed to subvert the Durban conference. By its near-unanimous vote yesterday for House Resolution 212, we know that the House of Representatives agrees with that assertion. And by the principled position that has been articulated by the Bush Administration, we know that the United States stands firmly and unequivocally against the corruption of the World Conference into a forum to single out Israel, and indeed the Zionist movement for a Jewish state in the historic homeland of the Jewish people, for unwarranted and politically motivated criticism.

The American Jewish Committee has devoted itself these past four years—and especially in the last year, in the often-heated preparatory conferences and drafting sessions, which we have monitored and in which we have played a part, laying the groundwork for Durban—to the following objectives:

1. *To advance core conference goals to identify “best practices” and action-oriented measures to combat racial discrimination, xenophobia and related intolerance at present and in the future.* AJC has emphasized the need to monitor hate crimes and other human rights abuses; to ensure application of existing standards and to improve means of implementing legal guarantees of non-discrimination. We have stressed the need to promote greater awareness and education for non-discrimination and tolerance and to identify ways to provide victims of these practices with redress, rehabilitation, and, when appropriate, compensation. We have emphasized that political leadership is essential to advance protection, particularly at a time of resurgence of support for extremist groups, on the one hand, and dangerous indifference of majorities of the population, on the other.

2. *To include recognition at the World Conference of the fact that the fight against anti-Semitism is an integral part of combating all racism, racial discrimination, xenophobia, and related intolerance, and that anti-Semitic incidents persist.* AJC has sought to encourage specific references and policy recommendations about the need to eradicate anti-Semitism in the speeches, documents, and proposals that emerge from the WCAR planning processes. AJC has worked to clarify that anti-Semitism is not merely a religious issue, but one deeply intertwined with all forms of racial discrimination and intolerance. Focusing on expert, diplomatic, and NGO meetings and other participation, AJC has devoted most of its attention to the outcomes of the regional meetings in East and West Europe and North, Central and South in the Americas, providing participants with information, drafting and advocating language on the need to eradicate anti-Semitism in the conference preparations and documents.

3. *To guard against insertion of anti-Semitic, anti-Zionist, or anti-Israeli language in Conference documents.* The first two UN World Conferences against Racism (1978, 1983) were marred by politicized slurs against Jews, Zionism, and Israel centering on the discredited canard of “Zionism is racism.” AJC has sought to clarify for governmental and NGO participants, as well as UN officials, that Zionism’s goal is to provide a solution to rampant anti-Semitism, and exercise the fundamental right of the Jewish people to self-determination, by establishing a refuge for all Jews, regardless of their racial background, in their historic homeland. AJC has alerted conference organizers and participants to the unacceptability of introducing language aimed at inciting racial hatred.

4. *To address properly the legacy of the Holocaust.* AJC has encouraged government delegates to promote Holocaust remembrance, particularly through education and commemoration, and by examining lessons learned. AJC also urges conference participants to be sensitive to the proper use of the term “the Holocaust,” which refers specifically to the Nazi effort to exterminate the Jews of Europe.

To assist us and our coalition partners in the effort to prevent the World Conference from being hijacked by enemies of Israel and of the Jewish people, AJC has prepared a number of documents, which I ask to be included in the Record of the Committee’s proceedings:

- A brief “summary analysis” of concerns regarding the “draft declaration” and “program of action” prepared for the Durban conference at a preparatory conference in Geneva in May;
- A more detailed paragraph-by-paragraph analysis of “problematic language” in those documents, based on the most recent draft of early July;
- A document that summarizes Holocaust restitution efforts over the years and debunks myths commonly spread in recent years about the legal and moral basis of such efforts; and
- An examination of the “Zionism is racism” UN resolution of 1975, and its echoes in the documents prepared for the Durban conference.

It is with the hope that these materials will prove useful to the Committee in its ongoing effort to assure a successful and non-politicized World Conference Against Racism, and with our gratitude for your engagement in this worthy cause, that AJC submits our testimony.

THE UN'S NOTORIOUS "ZIONISM IS RACISM" RESOLUTION OF 1975 AND ITS REEMERGENCE
IN THE 2001 WORLD CONFERENCE AGAINST RACISM

In 1975, the United Nations General Assembly adopted Resolution 3379, which "determines that Zionism is a form of racism and racial discrimination." This infamous "Zionism is racism" resolution was adopted in a roll-call vote of 72 in favor, 35 against, with 32 countries abstaining or absent. Its principal support came from the Arab and Soviet bloc countries. Key in promoting its adoption at the time among third world countries (whose votes were divided between support and abstention) were Somalia (this was before Mengistu and the Soviet flip to support Ethiopia), Cuba, and Benin. Portugal was the only Western country to vote in favor of the resolution (Greece abstained; Spain was absent.)

In the years that followed adoption of Res. 3379, the concept was repeated in other UN meetings, and to an extent institutionalized. Former U.S. diplomat Alan Gerson, speaking at a 1985 conference sponsored by NYU Law School and the Jacob Blaustein Institute for the Advancement of Human Rights, stated that in its first ten years, the "Z=r" resolution "served as a booster rocket for a more insidious attack on the moral stature of Israel, on its right to exist as a nation among nations, and ultimately to legitimate terror against Israel's citizens, and terror against the state itself." [Gerson, "The UN and Racism: The Case of Zionism as Progenitor," NYU Law—Jacob Blaustein Institute Conference, April 1986.]

Not only did "Z=R" serve to vilify the Zionist movement, and justify terrorism, but it also resulted in the most widespread reduction in American support for the United Nations and the integrity not only of the institution, but of its secretariat personnel as well. (These trends are examined in articles at the NYU-JBI seminar by Ed Luck, of UNA-USA, and Seymour Maxwell Finger, former Executive Director of the Ralph Bunche Institute at CUNY Graduate Center.)

A rebuttal to the resolution and its concept was offered in 1975 by Chaim Herzog, Israel's Ambassador to the UN. Herzog's powerful speech offered a historical discussion of the origins and purpose of Zionism.

In September 1991, following the Gulf War and the coup attempt in the Soviet Union, and the beginnings of the Madrid Peace conference on the middle east conflict, U.S. President George Bush (father of the current President) addressed the General Assembly at its opening high level segment. Reminding the delegates that it was then exactly 20 years since he had served as U.S. Permanent Representative to the United Nations, President Bush stated there that he would not dwell on the superpower competition as had his predecessors, but instead would look ahead to other challenges facing the world body. In his remarks is the following passage:

"We should take seriously the charter's pledge to practice tolerance and live together in peace with one another as good neighbors."

"UN GA Resolution 3379, the so-called 'Zionism is racism' resolution, mocks this pledge and the principles on which the United Nations was founded. And I call now for its repeal. Zionism is not a policy; it is an ideal that led to the creation of a home for the Jewish people, to the State of Israel. And to equate Zionism with the intolerable sin of racism is to twist history and forget the terrible plight of Jews in World War II and, indeed, throughout history. To equate Zionism with racism is to reject Israel itself, a member of good standing of the United Nations."

"This body cannot claim to seek peace and at the same time challenge Israel's right to exist. By repealing this resolution unconditionally, the United Nations will enhance its credibility and serve the cause of peace." [Online at <http://bushlibrary.tamu.edu/papers/1991/91092301.htm>]

At that 46th session of the UN General Assembly in 1991, member states decided to revoke the "Zionism is racism" resolution by a vote of 111 in favor, 25 against, with 13 abstentions. Islamic and Arab states made up most of those voting against. At the time, the Soviet Union and its newly democratic East European neighbors not only voted in favor of rescinding the resolution, but commonly joined as co-sponsors. (Revocation of "Z=r" was only the second such act in UN history. In taking this step, the Assembly followed a precedent set by Res.386(5) of November 4, 1950, revoking a 1946 resolution (39-1) relating to Spain.)

Secretary General Annan comments on "lamentable" Z=R resolution:

In 1994, the UN Commission on Human Rights added anti-semitism as a subject to be monitored as a part of the mandate of the UN Special Rapporteur on Contemporary Forms of Racial Discrimination.

In 1998, UN Secretary-General Kofi Annan made the following statement in which he specifically addressed the "Zionism is racism" resolution:

"My second message concerns the United Nations itself and our long history together". The founding of Israel and the founding of the United Nations are connected in spirit and in history, in promise and in peril. Indeed, Israel's birth was enshrined in a historic United Nations resolution: the partition plan of 1947. When war erupted with the proclamation of the State of Israel in 1948, the United Nations stood by Israel. The Security Council called for an immediate ceasefire and established a truce commission. The efforts of Ralph Bunche to help produce a negotiated solution won the Nobel Prize for peace. Before and since, United Nations officials, civilian and military, made the ultimate sacrifice in search for peace between Israel and its neighbors. First . . . was Counte Folke Bernadotte. In the decades since, the United Nations has represented the international community's abiding interest in a comprehensive, just and lasting peace in the Middle East. The Oslo negotiations are founded on Security Council resolutions 242 and 338, which are a cornerstone of Israel's peace treaties with Egypt and Jordan . . .

"I am well aware, however that for many Israelis the image of the United Nations has not lived up to its founding spirit. I know that the UN is regarded by many as biased against the State of Israel. I know that Israelis see hypocrisy and double standards in the intense scrutiny given to some of its actions, while other situations fail to elicit the world's outrage and condemnations . . .

"I would like to respond to your concerns with a solemn pledge: *I believe that it is time to usher in a new era of relations between Israel and the United Nations:* Everyone stands to benefit: Israelis, Palestinians, the rest of the Arab world, and the international community in general. My contacts with Israelis over the years convince me that we can, together, overcome the suspicion and misunderstanding. . . . Israel already contributes more to the work of the United Nations than most people realize. I am thinking, for example, of Israeli experts serving on human rights bodies, on election observation teams, and of Israeli medical teams sent to help deliver emergency relief to the Democratic Republic of the Congo . . .

"But normalization cannot happen unless Israel has confidence on another, much deeper level . . . The broader fight against anti-Semitism must be addressed. This year marks the fiftieth anniversary of the Universal Declaration of Human Rights. We must use the occasion to denounce anti-Semitism in all of its manifestations . . .

"This brings me to the lamentable resolution adopted by the General Assembly in 1975, equating Zionism with racism and racial discrimination. That was perhaps, the low-point in our relations; its negative resonance even today is difficult to over-estimate. Fortunately, the General Assembly rescinded the resolution in 1991." (25 March 1998; Press Release SG/SM/6504)

Additional Comments:

The "Z=R" resolution has mixed the politics of the Arab-Israeli conflict with anti-Semitism. For example, there is repeated misrepresentation of the concept of the "chosen people" to imply that Jews consider themselves superior to all other races and ethnic groups. Dr. William Korey recalls that in 1971 Soviet Ambassador Malik told the Security Council that Zionism was a racist ideology: "The reference to 'the chosen people,' articulated with biting sarcasm, was in fact a refutation of traditional anti-Semitism. The seminal works of Judeophobia, the 'Protocols of the Elders of Zion' made the 'chosen people' idea the centerpiece of the thesis that Jews were striving to dominate the world." Jews, in this world view were powerful, demonic, and engaged in a sinister conspiracy to destroy civilization. Criticisms of Jews seeing themselves as "chosen" were echoed in other UN forums referencing the "Z=R" resolution.

Israel's Law of Return and its treatment of Israeli Arabs have been used by some of the defenders of the "Z=R" resolution who argue that the Government of Israel practices discrimination. As to the Law of Return, there is ample written material pointing out the right of a government to control immigration and regarding the specific law itself. Similarly, as in the cases of Germany, Liberia, and recently Hungary, to mention a few, a number of states offer citizenship or immigration to co-ethnics who have suffered discrimination. No other state has been described as "racist" because of such policies.

As to allegations of discriminatory treatment of Israeli Arabs, the Government of Israel offers various responses—either that their treatment is being improved

through internal legal and political processes, or that Israeli Arabs are better off than their co-ethnics in neighboring countries. But the main point is that while criticism of particular policies of the State of Israel might or might not be appropriate, such policies would not normally be considered as a reason to deny Israel [or any other state] the very right to exist. In a summary article from the NYU Law-JBI legal conference, Yoram Dinstein explains how anti-Zionists are not content with a critical assessment of the situation in a historical framework of the past, but they contest the very legitimacy of Israel as a state in the present time and the future. Dinstein distinguishes between anti-Semitism, anti-Zionism, and “anti-Israelism,” showing their interrelatedness.

Moreover, Dinstein reminds us that “Anti-Zionists reject the idea that there is a Jewish people—as distinct from a Jewish religion—and, consequently, they deny the right of the Jews to exercise political self-determination: they take issue with the entitlement of Jews to establish and maintain a nation-State of their own in Zion.” (pp.16–17)

What has happened recently?

During the ECOSOC NGO Committee’s reviews of Hadassah, the Women’s Zionist Organization, over the past year, the phrase “Zionism is racism” returned, raised by Lebanon’s representative, and pursued in hostile questioning from Syria and the PLO. Considerable political efforts over many months by the U.S. eventually brought about a 9–5 vote (with 3 abstentions, and 2 absent) in favor of Hadassah’s accreditation as a non-governmental organization (NGO). Despite challenges by Arab and Islamic states, an organizational session of ECOSOC at the beginning of May upheld the decision.

During the debate about Hadassah, the Lebanese representative argued that the GA’s 1991 rejection of the “Z=R” resolution was “due to political reasons; the decision was not based on a conceptual position.” This formula has been repeated elsewhere.

In early 2001, at a UN-sponsored NGO conference for the World Conference against Racism—meeting in Amman, Jordan—language was approved by the Arab NGOs who convened the session calling for reconsideration and re-introduction of Res. 3379, the “Zionism is Racism” resolution, at the UN.

At the February 2001 Tehran regional preparatory conference of governments from the “Asian group” (incorporating countries from Syria and Jordan to the Pacific Islands), official language was introduced into the World Conference Against Racism’s regional concluding documents which closely resembles the “Z=R” formula, but avoids the specific use of those three words together. Between paragraphs on Jerusalem and Palestinians, there is a paragraph with a generic reference to “foreign occupation based on settlements . . .” which is determined to “totally contradict the purposes and principles of the Charter of the United Nations and constitute . . . a new kind of apartheid, a crime against humanity, a form of genocide and a serious threat to international peace and security.” The reference to Israel is unmistakable. Other paragraphs decry Israeli policies towards Palestinians as racist and denounce “a racially based law of return, and recognize the right of return of the Palestinian refugees as established by the General Assembly.” No other country situation in Asia or elsewhere in the world is identified or condemned (or, for that matter, praised) in the Asian document.

Intersessional meetings leading up to the May 2001 Prepcom for the WCAR began with a consolidated proposed text of the High Commissioner which aimed to combine the four regional preparatory conference documents in a positive and action-oriented spirit. However, during the intersessional meetings, proposed language was introduced describing “Zionism” as one of a list of intolerable evils to be fought against at the conference (such as racism, xenophobia, anti-Semitism and . . . the newly added phrase “Zionism” or “Zionist policies against semitism” or other similar pejorative language was added at the end of such lists . . .) Israel’s Law of Return was specifically declared to be racist in these proposed additions. Much more such defamatory language was newly created, describing Israeli policies and the “Zionist” state itself to be racist, and—as in the Tehran conclusions—the “Zionist” actions described were said to constitute war crimes, genocide, a crime against humanity, and totally against the purposes of the UN Charter. Such proposals for such a misuse of current human rights accountability language were accepted—unchecked—in the Asian draft, and were merely bracketed—without comment—in new formulations at the Intersessionals; they were not “negotiated” as the ground rules provided only for additions or brackets. Similarly, the “chosen people” anti-Semitic canard now reappeared in the UN: the “Zionist movement” was declared to be “based on . . . racial superiority.”

At the end of the May 2001 Preparatory Conference, the U.S. spoke out against such language, as did Guatemala, but all that could be done was to bracket the offending language—indicating the terminology did not enjoy consensus and would have to be reviewed and negotiated later—in another Prepcom at the end of July, and in Durban in September. A “Group of 21” was formed to reorganize the text. They were not authorized to change it, but their recommendations will be submitted to the full Prepcom on July 30.

The deeply anti-Semitic aspects of these formulations was often lost on delegates and observers—who commented privately that this was simply condemnation of Israeli policies per se, and thus anti-Israeli. “Zionism” was a code for Israel and what was totally lost were all of Zionism’s broader positive connotations as a means of striving for relief from discrimination, and for the self-determination of the Jewish people itself (as outlined, for example in the earlier UN speeches of Chaim Herzog and George Bush.) The anti-Semitic aspects of the language adopted in Tehran’s regional conference and that proposed now for Durban’s global world conference was not apparent to many who sat quietly and simply accepted it, for the time being. It is expected that serious negotiations on this will ensue at the Preparatory Conference at the end of July in Geneva.

What should be done?

Speak out and isolate those who make anti-Semitic or racist comments:

Kofi Annan stated (in the speech highlighted above) that calumnies against Jews and Israelis should be condemned, and those making them, in essence, should be isolated and called to account. His specific comment (regarding an incident at the Commission on Human Rights) was:

“Such baseless allegations are totally unacceptable and deserve universal condemnation. I have said on more than one occasion that I would expect all such statements to be challenged whenever and wherever they are made.”

Annan cited the statement of the Chair of the Commission, Ambassador M. Somol:

“It is essential that our debates are carried out in a manner observing basic standards of mutual respect. Allegations that contain racist, xenophobic, anti-Semitic, discriminatory or other similar unacceptable features must be avoided because they are not compatible with the established working procedures of with a kind of code of conduct of this distinguished body . . . I would strongly appeal that all speakers, be it representatives of Member States, observers or non-governmental organizations, respect these limits in order to avoid hurting any nation, race, religion, or vulnerable group of people in discussion.”

The NYU-JBI conference conclusions offered some useful guidance, along the same lines. They are reproduced below.

CONCLUDING RECOMMENDATIONS OF INTERNATIONAL LEGAL CONFERENCE ON ANTI-SEMITISM, ANTI-ZIONISM AND THE UNITED NATIONS

1. United Nations organs, representatives of member states, accredited observers and other participants in UN proceedings must respect the international legal principle proscribing incitement to national, racial, ethnic or religious hatred.
2. Member states should instruct their representatives in every United Nations forum to place on record their condemnation of violations of the aforementioned principle.
3. The United Nations Secretariat should counsel presiding officers of United Nations organs and related bodies to rule out of order such defamatory statements and try to insure that they are not incorporated in material distributed by the United Nations.
4. An equation of Zionism with racism must be rejected.
5. Implementation of the principles and recommendations will enhance cooperation by States in promoting the fundamental purposes of the United Nations Charter.

June 2001

HOLOCAUST RESTITUTION—A BRIEF SUMMARY

Historians have sometimes described Adolph Hitler and Nazi Germany as fighting two wars—one for the military domination of Europe and a second, war against the Jews, intended to eradicate the Jewish population of Europe. In fact, in the waning days of World War II when an Allied victory was all but certain, Germany continued to divert limited men and materiel to insure that the deportation and extermination of Jews would not stop. At war’s end, nearly six million Jews had been murdered—

one-third of the world Jewish population including one and one-half million children and a significant majority of the world's Jewish teachers and rabbis.

From 1933, with the implementation of the infamous Nuremberg Laws, until 1945, the Nazis developed and implemented a policy that thoroughly and systematically stripped Jews of their property and valuables even as it eliminated their legal rights, confining them first to ghettos, then to labor and concentration camps, and finally to the gas chambers and crematoria of Auschwitz, Treblinka and other death camps.

Restitution efforts move slowly and reluctantly.

Efforts to secure some measure of compensation for those victims who survived the Holocaust have spanned half a century and achieved only partial success. For many Jews who survived the war, there were neither families nor homes to return to, and so they sought instead to rebuild their lives in Israel or America. Initially, they relied on international relief agencies and Jewish charities to help them.

The first restitution agreements reached with postwar Germany provided for material assistance to the newly created State of Israel, which was home to the largest number of Holocaust survivors. Israel faced the difficult task of providing shelter for these people as well as for the seven hundred thousand Jews from Arab lands who fled to the Jewish State in its early years. Agreements were also concluded with the Jewish Claims Conference (an umbrella organization representing Holocaust survivors worldwide) for the return of heirless Jewish properties in Germany, which were promptly sold to provide funds for the many refugees. An impoverished and war-ravaged Germany could offer only very limited restitution equal to but a small fraction of the assets and wealth that had been systematically looted from its Jewish victims.

For the Holocaust survivors themselves the post-war German government was pressed to enact legislation that would mandate monthly pension and disability payments under a formula that took into account the individual's lost assets and physical suffering. Again, because of the limited resources of the German state, these payments were only a fraction of the actual losses and often less than disability pensions paid to Nazi war veterans. Jewish victims living in the Communist countries of Eastern Europe and the Soviet Union were not eligible for these compensation programs.

German industry avoids responsibility for fifty years.

Several million Nazi victims—Jews and non-Jews—were forced to work for German companies during the war. The worst treated among them, primarily Jews, were subjected to a program called “Annihilation through Work,” where the harshness of their conditions and their slave labor was intended to kill them. Postwar agreements deferred any legal culpability for German industry, which vigorously and successfully fought every effort by surviving laborers to bring suit in a German court. Only in 2001 have the German government and German industry at last agreed—in return for legal peace in the United States—to provide small “humanitarian” payments to the former slave and forced laborers still alive, the vast majority of whom are not Jewish.

Help for Nazi victims in Eastern Europe must wait for the fall of Communism.

In the 1980s the Jewish Claims Conference was besieged by a growing number of Holocaust survivors who had emigrated from the Soviet Union to the West and who had never received any compensation from Germany. The German government refused to reopen the pension and disability programs of the 1960s, but eventually did agree to provide money for a Hardship Fund that allowed small, one-time payments to be made to needy victims. Following German unification in 1991, new negotiations led to the creation of a special fund that provides modest monthly payments of 500 DM to Holocaust survivors who meet a variety of strict conditions, such as financial need and extensive time in ghettos or concentration camps. Further negotiating efforts and outside pressure eventually extended this program (but with payments of only half the amount) to include victims still residing in Eastern Europe and the former Soviet Union.

In the end an additional sixty thousand Holocaust survivors had come to receive these pensions—but only five decades after the end of the war. In all such cases, compensation and restitution payments were limited and restricted, and they were only offered to Holocaust victims themselves. German law and negotiated agreements had carefully stipulated that none of these benefits were transferable, preventing a surviving child or spouse from making any claim, despite their own traumas.

Recent efforts to reclaim looted assets have only limited success.

During the past decade, much attention has focused on new efforts to reclaim certain Holocaust-era assets through high profile class-action suits and the active support of political officials. Here the focus has been primarily on the inability of individual survivors and their heirs to reclaim actual assets, such as bank accounts, insurance policy benefits, artwork and other valuables. In many cases banks and insurance companies conspired to prevent owners from claiming their rightful assets or set unrealistically high demands for documentation that stateless survivors could not possibly possess. Only after intense pressure and the threat of legal actions did banks and insurance firms agree to open their books to outside auditors and to participate in international agreements designed to reconstitute these illegally held assets. Despite these widely publicized settlements, the greatest share of looted assets will remain unreturned. Too many victims have died without heirs; too many robbers and bystanders have taken the valuables for themselves; and too many years have passed with too little evidence remaining.

The prosecution of war criminals still misses many who are guilty.

Though significant focus has been placed on Holocaust restitution efforts, they have not been the only goal of Holocaust survivors and the Jewish communities where they found refuge and rebuilt their lives. The advent of the Cold War so soon after the Holocaust meant that many Nazi war criminals and their accomplices escaped trial and punishment. Following the postwar Nuremberg Trials of 1945–1946, which did impose punishment on a relatively small number of high Nazi officials, world attention focused elsewhere, while many former Nazis managed to live out their lives undisturbed. Even today, concerned individuals and non-governmental organizations continue to press for the extradition and trial of some of the most notorious war criminals, still alive and so far living free from prosecution. Added to the difficulties of marshalling evidence and witnesses to events so long past, is the strange irony that these now old and infirm men may evoke public sympathy, rather than opprobrium for their terrible crimes.

An acknowledgment of responsibility by collaborators and bystanders comes belatedly.

Postwar Germany could not escape responsibility for the crimes of the Nazis, but other peoples and other nations also contributed to the Holocaust. Many citizens of countries conquered by or allied with the Nazis joined its armies and willingly assisted in the persecution and extermination of Jews. Austrians accounted for the greatest number of Nazi SS officers, but the postwar Austrian state avoided any declaration of responsibility until the last decade. Similarly, until recently France avoided any clear acknowledgement that French policemen were the ones to systematically round up French Jews for deportation to Nazi death camps. It took a Swiss government historical commission to remind the public that the country's World War II "neutrality" too often meant turning Jewish refugees away at the border to an almost certain death. Even now, historical commissions in Lithuania, Latvia and other former Communist countries are confronting a new generation of citizens with pictures of local collaboration and complicity during the Holocaust.

Rabbi Andrew Baker
Director of International Jewish Affairs
The American Jewish Committee
May 17, 2001

SUMMARY ANALYSIS OF DRAFT UN WORLD CONFERENCE DOCUMENT

The original UN draft document prepared in April broke some new ground: It addressed the longstanding problem of anti-Semitism and reflected new attention paid to this issue in the United Nations. However, as a result of the May PrepCom meetings in Geneva, those references are now bracketed and new and offensive language such as "Zionist practices against Semitism" have been added.

Israel the only country singled out for criticism

One paragraph calls upon governments "to bring the foreign occupation of Jerusalem by Israel together with all its racist practices to an end," another urges states "to refrain from taking any measure leading to the recognition of Jerusalem as the capital of Israel," and a third calls upon the international community to "provide the international protection for the Palestinian people" or complain about the "ethnic cleansing" of the Palestinians.

Some of the proposals condemn the Israeli State itself as racist, and in fact raise questions of the right of the State itself to exist. One *“urges Israel to revise its legislation based on racial or religious discrimination such as the law of return . . . and all policies . . . which prevent the Palestinian refugees . . . from returning to their home, in violation of the right to return.”* Others denounce *“foreign occupation based on settlements.”*

Anti-Semitism only mentioned together with “Zionism/racism”

Every reference to anti-Semitism has now been bracketed. In addition, proposals added to counter the reference to anti-Semitism actually are hate-filled: e.g., the addition of the phrase *“Zionist practices against Semitism,” “the increase in racist practices of Zionism,”* or *“the Zionist movement which is based on racial superiority.”*

Denigrating the Holocaust

The conference document began with several references to the Holocaust, but they needed the proper capitalization, so the text would refer clearly and uniquely to the Nazi effort to exterminate the Jews in Europe. Now, every reference to the Holocaust has been bracketed and/or changed to a plural, with the capital “H” changed to lower case. A reference to Holocaust denial, has been similarly changed to *“denials of holocausts.”* In one case, the term *“Holocaust of Palestinians . . .”* is added.

Reference to the Holocaust in the Slave Reparations Context

Finally, it states that some *“scourges”* have received a *“ample reparations”* and that *“all scourges”* should be *“treated equally.”* This formula does not reflect the actual status of Holocaust restitution efforts.

June 2001

DRAFT

PROBLEMATIC LANGUAGE IN THE DRAFT DECLARATION
WORLD CONFERENCE AGAINST RACISM
PROPOSAL MADE BY THE GROUP OF 21
(BASED ON 5 JULY 2001 DOCUMENT)

PP31 *Fully aware that, despite efforts undertaken by the international community, Governments and local authorities, the scourge of racism racial discrimination,* xenophobia and related intolerance persist and continue to result in violations of human rights, in suffering, disadvantage and violence which must be combated by all available and appropriate means and as a matter of the highest priority, preferably in cooperation with affected communities; (Adopted by Prep.Com II), list pending)*

* The originally proposal reads as follows: [religious intolerance, anti-Arabism, *anti-Semitism*, Islamophobia, Negrophobia,] A list is being discussed.

Sources, Causes, Forms and Contemporary Manifestations of Racism, Racial Discrimination, Xenophobia and Related Intolerance

29. All States must acknowledge the suffering caused by lack of respect for the equality of human beings manifested through wars, genocide, *holocaust*, apartheid, ethnic cleansing and other atrocities. All States must reject/prevent and punish ethnic and religious cleansing and genocide in all regions of the world and work together to prevent their recurrence. [*The (holocausts/ Holocaust) and the ethnic cleansing of the Arab population in historic Palestine and in Bosnia and Herzegovina and Kosovo, must never be forgotten;*]

Victims of Racism, Racial Discrimination, Xenophobia and Related Intolerance

33. We salute and acknowledge the memory of all victims of racism, and racial discrimination, xenophobia and related intolerance, slave trade, colonialism, [*holocausts/Holocaust*], [*ethnic cleansing of the Arab populations in historic Palestine*] and in Kosovo and apartheid and foreign occupation all over the world and at all times];

60. [We express our deep concern about the practices of racial discrimination against the Palestinians as well as other inhabitants of the Arab occupied territories which have an impact on all aspects of their daily existence such that they prevent the enjoyment of fundamental rights, and call for cessation of all the practices of racial discrimination to which the Palestinians and the other inhabitants of the Arab territories occupied by Israel are subjected];

62. [We are convinced that combating *anti-Semitism*, Islamophobia and [*Zionist practices against Semitism*] is integral and intrinsic to opposing all forms of racism stresses the necessity of effective measures to address the issue of *anti-Semitism* Islamophobia and [*Zionist practices against Semitism*] today in order to counter all manifestations of these phenomena;]
63. [We recognize with deep concern the increase in anti-Semitism and hostile acts against Jews in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas concerning the Jewish community.] [The World Conference recognizes with deep concern the *increase of racist practices of Zionism*, anti-Semitism in various parts of the world as well as *the emergence of racial and violent movements based on racism and discriminatory ideas*, in particular, *the Zionist movement which is based on racial superiority*;]
64. [We also recognize with deep concern the increased negative stereotyping of and hostility expressed against Muslims in various parts of the world, and express concern with regard to any overt manifestations of Islamophobia;]
- Provision of Effective Remedies, Recourse Redress, Compensatory and Other Measures at the National, Regional and International Levels*
112. We are conscious that humanity's history is replete with terrible wrongs inflicted through lack of respect for the equality of human beings/through lack of recognition of human dignity and rights manifested through [wars], [military occupation by settlement] [and settlement policies], genocide, slavery, in particular, and transatlantic slave trade, *holocaust*, [colonialism], apartheid, ethnic cleansing and other atrocities, and we salute the memory of their victims [and we understand/acknowledge the quest] of/recognize the right of the victims and their heirs for justice, dignity, respect and correction of, and compensation for, the historical wrongs and their continuing consequences of ~~historical wrongs~~ [We call for open national and international dialogue as required to address these concerns;]

DRAFT

PROBLEMATIC LANGUAGE IN THE PLAN OF ACTION
WORLD CONFERENCE AGAINST RACISM
PROPOSALS MADE BY THE GROUP OF 21

- II. *Victims of Racism, Racial Discrimination, Xenophobia, and Related Intolerance Refugees*
- 64bis. [Urges *Israel* to revise its legislation based on racial or religious discrimination such as the law of return and all the policies of the occupying power which prevent the Palestinian refugees and displaced persons from returning to their homes and properties, in violation of their right to return].
- III. Measures of Prevention, Education and Protection Aimed at the Eradication of Racism, Racial Discrimination, Xenophobia and Related Intolerance at the National, Regional and International Levels
- A. National Level*
- 3 a) (part of) To establish and implement/apply without delay national policies and action plans to combat racism, racial discrimination, xenophobia, [*anti-Semitism*] Islamophobia and related intolerance, including inter alia, including their gender-based manifestations.
- 1e)bis3 To fully and more effectively apply existing legislation concerning the dissolution of organizations promoting racism, racial discrimination, xenophobia, *anti-Semitism*, Islamophobia, and other forms of religious discrimination, ~~Negrophobia~~, anti-Black racism, anti-Roma racism, discrimination against indigenous peoples, anti-Asian racism, anti-Arab discrimination [homophobia] and related intolerance and prosecute those members breaching the law and to [consider the possibility of declaring]/[outlaw] the membership in organizations promoting racism, racial discrimination, xenophobia, anti-Semitism and related intolerance a criminal offence.

Prosecution of perpetrators of racist acts

- 1[(d) (merged) The World Conference urges/calls upon States;

To bring to justice those responsible for expression of incitement to racial hatred, defamation of nation or race, support or promotion of movement seeking to suppress citizens' rights and freedoms, denial of [*Holocaust[s]* or [genocide] racist acts and the of violence or intimidation to which they give rise and also to ensure the protection/respecting the necessary distinction between the prohibition of racial discrimination and the enjoyment of the right to freedom of expression in the in/ensuring the prohibition of racial discrimination in the enjoyment of the right to freedom of expression.~)]

3. Education and awareness raising measures

13. [The World Conference calls upon States to commit themselves to undertaking public information campaigns or other more long-term initiatives, inter alia through the media, to alert their societies to the dangers of racism, racial discrimination, xenophobia, [*anti-Semitism*], Islamophobia and racist practices of *Zionism* and related intolerance, and to support initiatives of non-governmental organizations in this respect. Such campaigns or initiatives need to be addressed to the whole of society, in particular young people, including children. The World Conference also calls upon States to undertake and facilitate activities aimed at educating young people in human rights and democratic citizenship and instilling values of solidarity, respect and appreciation of diversity. A special effort to inform and sensitise young people to respect minorities and democratic values should be undertaken or developed to fight against ideologies based on so-called racial superiority.]

4. Information, communication and the media including new technologies

23. [The World Conference expresses concern at the material progression of racism, including contemporary forms and manifestations of racism such as the use of the internet to disseminate ideas of racial superiority. The Conference takes note of/welcomes the positive contribution the Internet can bring in is bringing to combating racism through rapid and wide-reaching communication. In awareness that the international use and access of the Internet is lined by social, cultural and political boundaries the World Conference call upon States to enable all people to access and use the Internet as a an international and equal forum. It calls upon States to examine ways in which this contribution can be enhanced the Internet can be used systematically; for example through the creation of a specific site, to provide information about good practices for combating racism, racial discrimination, xenophobia, *anti-Semitism* and related intolerance and racist practices of *Zionism*. It also draws attention to the potential to increase the use of the Internet to create educational and awareness-raising networks against racism and intolerance, both in and out of school as well as its ability to promote universal respect for and value of cultural diversity.
- V. Strategies to Achieve Full and Effective Equality, Including International Cooperation and Enhancement of the United Nations and Other International Mechanisms in Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance and Follow-Up

Regional/International Cooperation

- New 169. [Calls upon all relevant UN organs to endeavour to bring *the foreign occupation of Jerusalem by Israel together with all its racist practices to an end*, and to ensure the recognition of Jerusalem as a city of reverence and religious sanctity for the three major religions of the world which should serve as a focal point of historical and cultural inspiration, a symbol of civilization and religious dialogue and an epitome of tolerance and equality].
- New 170. [Urges all States to refrain from taking any measure leading to the recognition of Jerusalem as the capital of Israel or of any measures aimed at altering its geographic, demographic and institutional characteristics in violation of the norms of international humanitarian law and relevant repeated UN resolutions].
- New 171. [Calls upon the international community to assume its responsibilities to provide the international protection for the Palestinian people under occupation against any acts of racism, racial discrimination and denial of fundamental human rights including the right to life, liberty and self-determination].

Mr. GILMAN. I now just have a few questions and I direct this to our panelists.

Much of the reparations language in the draft Program of Action refers to discrimination faced by people of African descent through international mechanisms and programs intended for people of African descent around the world or to improving the situation of Africans or people of African descent.

Why when discussing reparations and compensation retroactive application of the conference Program of Action the focus is only on victims of racial discrimination? What about other people who have been discriminated against? Why should they be excluded from receiving some form of reparation or compensation for their suffering?

For example, if the reparation language is applied retroactively, would it not cover the Jewish people, for example, who were also once enslaved?

Mr. WOOD. Congressman, I think your question indicates the kind of complexity that revolves around the entire issue of reparations, who should be the beneficiary, who should pay, what are the circumstances under which reparations should be paid, because it is certainly the case that because of the focus on this conference on racism the issue of reparations for slavery has received special note.

All of the victims of discrimination who are considered in this conference are victims and should be treated as such and to the degree one can consider reparations, reparations relates to victims. It is an extremely complex issue. I think it would be a mistake to focus on who is singled out from the call for reparations, rather, it would be a wiser course to simply focus away from the question of reparations and I would like to ask my colleague, Steve Wagenseil, to also address this question.

Thank you.

Mr. GILMAN. Thank you very much, Mr. Wood.

Mr. Wagenseil?

Mr. WAGENSEIL. Thank you, Mr. Chairman. The language on reparations that has been proposed in the draft documents that we are negotiating in Geneva has been proposed specifically in the context of slavery and the trans-Atlantic slave trade.

I agree entirely with Mr. Wood that in fact the world conference should be and is aimed to be a much broader issue and, in fact, one of the themes of the conference as agreed by the PrepCom a year ago was provision of effective remedies, recourse and redress and other measures at the national, regional, international levels. And it does not say for any one particular group.

In the Plan of Action that is being discussed there are a number of different proposals for remedies, recourse and redress to deal with those who have suffered from racism and related intolerance and we are trying to keep as broad a focus as possible because in fact there are many different types of victims.

Mr. GILMAN. Thank you very much, Mr. Wagenseil.

To what do you attribute the hostile, anti-Semitic, anti-Israeli language in the draft Program of Action? Are those provisions merely a continuation of measures offered at the U.N. and U.N. Commission on Human Rights or are the European countries sup-

portive of our U.S. efforts on this issue? What other countries are we working with to try to strike these kind of paragraphs?

Mr. Wood?

Mr. WOOD. With permission, Congressman Gilman, I would prefer to avoid characterizing in any detail national positions at this time, simply because the concluding documents are under negotiation and, as we all know, sometimes too public a focus on positions can impede dialogue.

At the same time, I can say without any hesitation that the U.S. opposition to this language is by no means a lone opposition. It is widely supported by colleagues from Europe, from the Western Hemisphere and from around the world, as well as, of course, by the Secretary General of the U.N. and the High Commissioner for Human Rights, Mary Robinson.

The source of the language comes from a few delegations. It is not clear exactly how wide-ranging the support for this language is. That is the question that we are putting to the test in our negotiations in Geneva now. We know that some delegations that had initially supported inclusion of this language now are working to moderate that language or to delete it all together in the interests of a successful World Conference Against Racism.

I think I will stop there. Thank you very much, sir.

Mr. GILMAN. Thank you, Mr. Wood.

Yesterday, the final version of the NGO Forum Declaration for Durban was completed and it demanded, among other things, and I quote,

“Stop the escalation of the third holocaust perpetrated by the Israeli government and its settler community against the people of Palestine and intervene in this escalation of war and remove the United States of America and the United Kingdom from initiating a flimsy peace process as they are entirely and fully responsible for the escalation of this war carried out by the Israeli regime against the people of Palestine.”

Can you respond to that statement, Mr. Wood? Particularly the use of the term “holocaust”? What role does the NGO Forum and its declarations have in the conference process and what impact will this statement by the NGO Forum have on the drafting of the conference program?

Mr. WOOD. I would like to make two brief comments and then turn it over to my colleague.

First, the United States consistently supports the participation of non-governmental organizations in international forums. Unfortunately, non-governmental organizations sometimes do not agree with us and we sometimes do not agree with them. In this case, we certainly do not agree with them.

Point two, one of the areas of deep dissatisfaction by the United States with the current draft document is the language diluting the term holocaust, which we consider to be a unique tragedy in the history of man occurring in Europe. I was in fact speaking to a prominent German diplomat just yesterday in New York who expressed outrage at the notion of plural Holocausts. He said this is a particular tragedy for Germany and for the Jewish people and they would not support the dilution of the term.

Let me to turn to Steve.

Mr. GILMAN. Yes, Mr. Wagenseil?

Mr. WAGENSEIL. Thank you, Mr. Chairman.

I have not seen the NGO statement that you referred to, but there is, as you can imagine, a very lively participation by NGOs from the United States and around the world throughout the entire preparatory conference, the regional meetings, the meetings in Geneva, they have had meetings of their own, and, as Mr. Wood said, they often come up with positions which are not the same as those espoused by governments.

Nonetheless, we do listen to the NGO representatives when we are considering the various issues in our drafting process, in the negotiations. We have opened the negotiation sessions to observers from the NGOs. And, as in any international negotiation, there are promises that could get into the final document.

Ms. MCKINNEY. I would like the record to reflect that Human Rights Watch, Amnesty International and the Lawyers' Committee on Civil Rights have all issued statements saying that the United States should participate in the world conference no matter what is on the agenda. Let me just read here.

"Amnesty International U.S.A. urged the Bush Administration to increase its commitment to the conference by appointing a delegation led Secretary of State Colin Powell and assuming a leadership role in the pre-conference preparation. In a letter sent to President Bush on July 23rd, Amnesty International U.S.A. called on the Administration to resolve controversies that have marred preparations for the WCAR. AIUSA urged President Bush 'not to allow current controversies over draft language to serve as a pretext for non-participation. We believe that such problems can be best addressed by a senior delegation representing the U.S. at the conference and not through a boycott.'

"The Human Rights Watch has suggested that national and international panels be created with maximum transparency and public participation to identify and acknowledge past abuses and to guide action to counter their present day effect."

And, of course, they go on to talk about those national panels serving as kind of like a truth commission to reveal the extent of racist practices that some folks might take for granted.

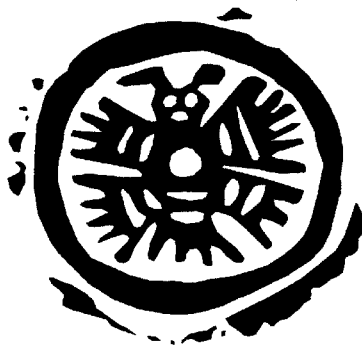
The Leadership Committee on Civil Rights sent a letter to President Bush dated July 9th and they say that "The United States should not limit its participation in this important global event, even when faced with issues that our government feels threaten fundamental American values. Rather, the U.S. should actively engage difficult topics and work to change those that belie core U.S. principles."

So there is a body of belief that exists out there that says that the United States through its leadership at the highest levels can deal with any unpalatable topics that might arise and that the United States ought to engage.

I have a statement from the Mexican-American Legal Defense and Education Fund which I would like to have submitted for the record, Mr. Chair.

Mr. TANCREDO. [Presiding.] Without objection.
[The information referred to follows:]

**TESTIMONY OF THE
MEXICAN AMERICAN LEGAL DEFENSE
AND EDUCATIONAL FUND
- MALDEF -**



**CONCERNING
THE WORLD CONFERENCE AGAINST RACISM, RACIAL
DISCRIMINATION, XENOPHOBIA AND RELATED
INTOLERANCE (WCAR)
BEFORE THE
HOUSE INTERNATIONAL RELATIONS COMMITTEE
HUMAN RIGHTS SUBCOMMITTEE**

**BY
MARISA J. DEMEO
REGIONAL COUNSEL**

JULY 31, 2001

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I. INTRODUCTION

The Mexican American Legal Defense and Educational Fund (MALDEF) appreciates the opportunity to submit written testimony regarding the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) to be held later this year in South Africa. MALDEF is a national nonprofit organization dedicated to protecting and promoting the rights of Latinos in the areas of education, employment, political access, immigrants' rights, public resource equity, and access to justice. We achieve our mission through community education, litigation and advocacy. Founded in San Antonio, Texas, in 1968, MALDEF now is headquartered in Los Angeles with offices in Sacramento, San Antonio, Houston, Albuquerque, Phoenix, Chicago, Atlanta, and Washington, D.C.

The themes on the agenda for the WCAR are:

Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance;

Victims of racism, racial discrimination, xenophobia and related intolerance;

Measures of prevention, education and protection aimed at eradication of racism, racial discrimination, xenophobia and related intolerance, at the national, regional and international levels;

Provision of effective remedies, recourses, redress, [compensatory] and other measures, at the national, regional and international levels; and

Strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance, and follow-up.

It is MALDEF's understanding that the House International Relations Committee Human Rights Subcommittee is collecting testimony as to current sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related forms of intolerance as well as on the victims of such practices in the U.S. For the Latino community in the U.S., Latinos experience discrimination both as a form of racism as well as from xenophobia. Under U.S. law, Latinos are recognized as a national origin group; however, the law has recognized national origin discrimination as equivalent to race discrimination. Furthermore, the common understanding and perception of Latinos in the U.S. is that they are a racial group because they are distinct from the white population. Both immigrant Latinos as well as native-born Latinos often experience additional discrimination in the form of xenophobia.

The purpose of this testimony is to outline some of the key areas where Latinos remain in an unequal status as compared to white non-Hispanics. Both our national laws as well as

In order to fully and effectively participate in the WCAR, MALDEF recommends that Congress ensure that:

The highest level officials from the U.S. represent the U.S. to demonstrate the importance of the WCAR to the U.S. and to the world;

The official delegation of the U.S. be diverse and include, among other representatives, representatives from the Latino community;

The official delegation of the U.S. interacts and communicates with non-governmental organizations (NGOs) from the U.S., such as MALDEF, prior to, during, and after the WCAR to ensure that different issues and communities are addressed; and

The U.S. Government increase its monetary commitment to the WCAR in South Africa so that the commitment is similar to the amounts committed to the World Conference on Women in Beijing.

The following sections outline some key areas where Latinos remain in an unequal status as compared to whites in the U.S.

II. EDUCATION

In the area of education, Latinos lag behind white students at every stage of educational development. Latinos are less likely than whites to attend pre-school, have access to computers, graduate from high school, and graduate from college. Below are some key issues facing Latino students.

A. Digital Divide

As the number of households with computers and Internet access grows, the gap between those who are buying and obtaining access and those who are not is also growing. The percentage of white households who had a computer in 1998 was 55%. Of all white households, 30% were connected to the Internet. This compares to only 25% of Latino households that had computers, and less than 13% that had Internet access. While income, geography, and education level are also factors in the digital divide, a child in a low income white household is four times as likely to have Internet access as a child in a comparable Latino household. In 1998, Latinos and African-Americans received only two percent of the undergraduate computer science degrees awarded in this country, and only six Latinos received PhDs in computer science. Efforts also need to be made to involve Latinos in the core jobs of the computer work force. Less than 5% of computer programmers in 1998 were Latinos, and less than 3% of systems analysts in 1998 were Latinos.

MALDEF believes aggressive efforts need to be made to include everyone in the technological advancements that are changing the world. If Latino children are not

D. School Construction

It has been estimated that \$332 billion is needed to repair and modernize public schools across the country. Most of this money is needed for basic infrastructure improvements and to a lesser extent for technological improvements. Basic infrastructure needs in our public schools include the need for heating, plumbing, roofs that do not leak, sprinklers, and fire alarms. Many of the school districts where the majority of Latino children attend are in dire need of funding for repairs and construction. Overcrowding and the lack of adequate facilities send the wrong message to Latino children that their education is not a priority.

E. Equity in Federal Higher-Education Programs

A third of Latino students drop out of college after the first year, many because of the inability to pay the costs of education. This is just one of the dramatic statistics that portray the current crisis in Hispanic education--due in part to the inequity in federal support of educational services for the Hispanic community. Hispanic educational attainment is currently the lowest of any major population group in the United States. Latinos have the highest dropout rates from high school and the lowest graduation rates from college. The federal government currently targets much less spending on our community in this area than fairness and equity would dictate.

One of the key areas of inequity has been in obtaining support for Hispanic Serving Institutions (HSIs), those colleges and universities with a significant Latino enrollment. Another key area of inequity is in the Federal TRIO programs (Upward Bound, Talent Search, Student Support Services, Educational Opportunity Centers), designed to offer disadvantaged populations increased access to post-secondary education opportunities. Currently Hispanics comprise 30% of the students eligible to participate in the Federal TRIO programs yet make up only 15% of the participants.

III. POLITICAL ACCESS

Although Latinos make up an increasing share of the U.S. population, they continue to lag behind in terms of political participation. This section addresses a couple of areas in need of reform in U.S. laws to increase Latinos' access to voting.

A. The Voting Rights Act

Section 5 of the Voting Rights Act of 1965 (VRA) requires that certain states, or portions of states submit for review to the federal government or the District Court of the District of Columbia any law that could affect voting. This is to assure that the law is not racially discriminatory. Specifically, the Section 5 jurisdictions must prove that a proposed voting change does "not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color [or membership in a language minority group]." Section 5 has historically served as a powerful tool to prevent a discriminatory

lists. In the end, what will serve our country and serve its citizens is a comprehensive approach from the federal government to both set some key national standards ensuring that there is a minimum states and localities must do in order to ensure equal access to the voting polls, as well as provide grant money to states providing the incentive to go beyond the minimum standards to ensure each and every voting age citizen has the full opportunity to express his/her opinion at the voting polls. The federal government will run better and better serve its constituents when more voters participate in federal elections.

IV. EMPLOYMENT

Latino men are the most likely group of workers to be in a job or looking for one. However, a substantial segment of Latinos face serious economic challenges. Nearly three in ten Latinos and two in five Latino children are poor. Most Latinos in poverty are part of "working poor" families - those that have at least one full-time worker, yet earn wages below the official poverty level; often, they receive no health insurance or other important benefits.

While the overall workforce in the United States is getting older, the Latino workforce is getting younger. This younger workforce has lead to the need for greater job opportunities for Latinos in the workforce. The current economic condition, changing labor market and continuation of discriminatory hiring and promotion policies provide little hope for Latino economic advancement without significant changes in national policy.

Wage and income disparities continue to exist for Latinos. Latino workers are over represented in industries where the typical pay is relatively poor. That includes agriculture, especially crop production; some sectors of light manufacturing, such as toys and small electronic or metal parts, as well as food processing, textiles and apparel; and such low-paying service industries as household and janitorial services and hotels. Conversely, Latinos are under represented in well-paying sectors, including motor vehicle manufacturing (where they make up just 5.1% of the workforce) and machinery. There are relatively few Latinos employed in the delivery of professional services, such as education and health care.

Latinos also lag seriously behind white workers when it comes to job earnings. While white men make a median weekly salary of \$615, Latino men make only \$390 and Latinas only \$337. Minorities earn on average less than 80% of their white counterparts, and white males still occupy 97% of the top executive positions at America's largest corporations. Latino men earn only 81% of the wages earned by white men who have the same education, while Latinas earn less than 65% of what comparable white men earn. While Latinos represent 10% of the labor force, we are only 5% of the managers and professionals and 8% of the technical, sales, and administrative support. We are over represented in the lower-wage service, craft, repair, operators, and laborers jobs. Latinos hold only 152 (less than 1.4%) of the 11,101 board seats of the Fortune 1000 companies. Of the same companies, only 15 have a Latino president, CEO, and/or chair.

In part, this lack of involvement has been due to limited budget and in part due to lack of commitment to enforce cases on behalf of Latinos.

The Occupational Safety & Health Administration (OSHA) of the Department of Labor (DOL) is charged with enforcing the federal OSH Act laws, while DOL's Employment Standards Administration Wage and Hour Division (WH) is charged with enforcing minimum wage, overtime, child labor, and other employment standards under the FLSA – as well as a number of other federal laws. Data from 1998 reveals 6,026 occupational fatalities, and of those 700 – or 11.6% – were Latinos who died in job-related incidences. Of the 1.73 million non-fatal occupational injuries and illnesses that were reported in 1998, over 179,000 – or a little over 10% – were reports of Latinos injured on the job. In the construction industry, the reports of Latinos injured or ill due to work-related incidents rose to nearly 13% of the reported cases. In the agricultural industry, Latinos dominated with slightly over 40% of the reported cases. In fiscal year 1996, WH was able to bring over 41,000 compliance actions on behalf of over 215,000 employees owed money for minimum wage and/or for overtime compensation. While the DOL data is not broken down by national origin, Latinos are concentrated in the low-wage jobs that often fail to pay the minimum wage or overtime.

MALDEF strongly encourages vigorous enforcement of the various anti-discrimination and labor laws that exist under federal statute. There must be a strong commitment on the part of the U.S. Government to increase the appropriations and enforcement tools available to the EEOC, the Civil Rights Division, and the DOL in order to ensure working environments that are fair and safe. In addition, there must be a commitment to hire federal employees that have bilingual language capabilities so that the staff has the ability to accept and investigate complaints from persons with limited English skills who are discriminated against.

2. *Amendments to Title VI of the Civil Rights Act of 1964*

Two important facets of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.*, which bars discrimination on grounds of race and national origin in any program or activity which receives federal financial assistance, have not yet been codified in the statute itself. One such facet is a prohibition against disparate impact discrimination, which exists only by virtue of administrative regulation and judicial precedent, *see, e.g.*, *Guardians Association v. Civil Service Commission of New York*, 463 U.S. 582 (1983). The other aspect is the availability of a private right of action to enforce Title VI, which was partially stripped away by a recent Supreme Court decision, which held that there is no private right of action to enforce the disparate impact regulation promulgated under Title VI. *See, Alexander v. Sandoval*, 121 S.Ct. 1511(2001). Yet, discrimination continues unabated, and without a clear right of access to courts, those who face discrimination have no real remedy. While agencies are empowered to enforce civil rights abuses, because of budget constraints and other competing federal agency priorities, individual enforcement actions are critical to sustain and advance civil rights enforcement.

sector ladder. Affirmative action is still needed to remedy past and present discrimination in the workplace and in accessing higher education for Latinos.

D. Federal Employment

According to the Equal Employment Opportunity Commission's (EEOC) 1998 federal sector report, Hispanics continue to be the only minority group whose federal work force participation (6.59%) lags behind the 1990 Civilian Labor Force availability (8.10%). The situation is even worse for Latinas. Latino men constitute over 4% of the federal employment, while Latinas are a mere 2.5% of federal employees. Latino underrepresentation in the federal government is not news. Year after year, the federal government has performed poorly when it comes to hiring and promoting Latinos. Since 1990, Hispanic federal employment has only risen by one percentage point. This is particularly shameful when considering that it is the federal government that is charged with ensuring equal opportunities for Hispanics in the private and public sector.

A closer examination of the federal employment numbers reveals that the majority of Latino employees are concentrated at a few agencies, leaving the remaining large agencies with Latino employment rates hovering around one to three percent of their work force. Of the 163,475 Latino federal employees working in 1998, 112,945, or nearly 70%, were concentrated in three agencies: the Justice Department, where huge numbers of Latinos are hired to work in the Border Patrol and the INS; the United States Postal Service, which must deliver mail to heavily concentrated Latino neighborhoods; and the Defense Department. The relatively higher numbers at these three agencies stand in stark contrast to agencies such as the Departments of Health and Human Services and of Commerce, where each has less than a 3% Hispanic workforce, despite the fact that the work of these agencies is vital to the Latino community.

E. Earned Income Tax Credit and Income Tax Policies

The Earned Income Tax Credit (EITC) was first introduced in 1975, and expanded under Presidents Ronald Reagan, George Bush, and Bill Clinton. The EITC is a federal tax program which works as a refundable credit for low and moderate income working families. Depending on the income and size of a family, a tax credit is determined. If the credit exceeds the amount of tax owed by the family, the family is paid the balance between the taxes paid and the credit as a refund. If a family does not owe taxes, they receive the entire EITC as a refund.

In 1998, 19.4 million people benefitted from the EITC. In that year, it lifted 4.3 million people out of poverty, including 2.3 million children. In a study done of 1996 data, the EITC lifted more children out of poverty than any other single program. In 1996, 2.4 million children were lifted out of poverty through EITC. The same study concluded that not only did the EITC do more for raising children out of poverty than any other single program, it also did more to reduce the severity of poverty for those children who remained poor even with the EITC.

are not given the training and education they should receive in order to not only stop receiving welfare but also to stay off welfare. Another area of concern is regarding development of jobs and training along the US-Mexican border. The poverty rate among residents of the colonias is shamefully high.

V. PUBLIC RESOURCE EQUITY

In the area of access to public resources, Latinos continue to be under-served by the government despite their contributions to the tax base. Of particular concern is the Latino community's lack of access to health care and the failure of the U.S. Government to enforce vigorously U.S. civil rights laws.

A. *Health Insurance*

Of the 44 million Americans without insurance in the United States today, one quarter of those are Latinos. In fact, Latinos are twice as likely to not have health insurance as the general population. What does this mean for the one in every three Latinos under age sixty-five who is uninsured? It means that Latinos are less likely to see a doctor and receive preventive treatment; and that when illnesses are detected, the result is a tremendous financial burden for working families. It means that early diagnosis and treatment are delayed for fear of the costs, and hard working people are forced to choose between their health and their financial survival.

There are many reasons why Latinos do not have health insurance. One is that their employers do not offer it. Nine of the eleven million uninsured Latinos are in families where at least one person works. However, Latino working families are concentrated in low-wage jobs, or jobs with small firms - the employers least likely to offer health insurance. Indeed, only 43% of Latinos have insurance from their employer or from that of a family member, a figure that is lower than the national average of 64%. Wage rate and firm size, though, are not the only explanations for the lack of insurance among Latinos. Even within small firms or in low-paying jobs, Latinos are less likely than whites to qualify for the insurance plans.

The disproportionate number of uninsured Latinos is a result not only of the lack of employer-sponsored coverage, but also because many Latinos do not participate in government-funded programs. Although many uninsured Latinos have low incomes, there are many barriers that keep them from participating in publicly-funded programs like Medicaid and CHIP. Some of these barriers include citizenship requirements or legal residency requirements, exclusion of two-parent families, state eligibility standards set well below the federal poverty level, and enrollment programs that are not culturally competent or linguistically appropriate.

B. *Racial and Ethnic Disparities in Health*

Overall, the health of the nation has been improving due to new medical technologies and

issue guidance to ensure that their own federal services as well as federally funded services were being provided to language minorities in compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.* HHS published its proposed guidance in August of 2000 to comply with the executive order. Because the private right of action under Title VI is restricted (*see, e.g., Alexander v. Sandoval*, 121 S.Ct. 1511 (2001)), vigorous enforcement by the U.S. Government of Title VI is needed. To date, enforcement has been limited.

D. Civil Rights Enforcement Funding

There are numerous federal civil rights laws that have been passed since the 1960's; Congress created agencies to enforce those laws. However, over the past two decades the enforcement agencies, or at least those divisions/offices that deal with civil rights enforcement within federal agencies, have been underfunded. These agencies or offices include, but are not limited to, the Civil Rights Division of the Department of Justice (DOJ), the Equal Employment Opportunity Commission (EEOC), the Office of Federal Contract Compliance Programs (OFCCP) within the Department of Labor, the Department of Housing and Urban Development's Fair Housing Programs, and the Offices of Civil Rights within agencies such as the Department of Education and Health and Human Services (HHS).

While funding has increased substantially for crime-fighting and border enforcement, by comparison, funding for civil rights enforcement has not. Many of the offices within the Civil Rights Division of DOJ operate with only 20 to 30 trial lawyers total. This means that for each federal law that office is charged with enforcing, there are not even enough attorneys to send one attorney to each state in the United States. When one looks at how many border patrol agents the DOJ has hired since 1996 or how many Assistant United States Attorneys have been hired by DOJ to enforce drug laws, the message is clear that the federal government is serious about ending illegal immigration and it is serious about ending drug smuggling and sales. But it only pays lip service to the eradication of discrimination by employers, lenders, landlords, and others.

The Civil Rights Division of the Department of Justice operates on a budget of less than \$100 million. This is paltry when compared to the budgets of the U.S. Attorneys' offices at close to \$1.3 billion, the Drug Enforcement Agency at just under \$1.5 billion, the FBI at close to \$3.4 billion, and the INS at close to \$5 billion. The EEOC operates on a budget of about \$300 million, while the Office of Civil Rights of HHS operates each year with less than \$25 million. These are just a few examples of where the budgets stand, and how much investment is needed in order to truly enforce our civil rights laws.

VI. ACCESS TO JUSTICE

When examining our criminal and civil justice systems in the U.S., Latinos are less likely to receive adequate legal representation, find adequate relief when the victim of crimes such as hate crimes, or be fairly represented among the members of the judiciary. At the same time, Latinos are over-represented in the criminal justice system as suspects and

B. Judicial Appointments

Out of 852 judicial positions in our federal judiciary, 5% are Latino. Removing the District Court of Puerto Rico from the equation (since all seven of the authorized judgeships are held by Puerto Ricans and are likely to always be held by Puerto Ricans), the percentage of Latinos in the judiciary falls to 4%. There are no Latinos on the Supreme Court or on a number of federal circuit benches. This is at a time when Latinos total 12% of the population nationwide, not including Puerto Rico. Because the federal courts are symbols of justice for all communities, they should reflect the society that appears before them seeking justice. Because Latinos are under represented in the federal judiciary, we support more Latinos to all levels of the judiciary: from the district court, to the appellate, and including the Supreme Court.

The process for selecting judicial nominees is that the President must nominate a candidate to fill a vacancy, the Senate Judiciary Committee must then review the candidate to ensure the candidate is qualified to fill the position, and finally a majority of the Senate must vote in favor of a candidate before he or she is confirmed to the judicial position. In the course of selecting a candidate, it is important for both the President and the Senate to examine not just the intellectual capabilities of the potential nominees but also to ensure that the potential nominees do not espouse views that would prevent them from being impartial. For example, a person who has endorsed or espoused racist, sexist, or homophobic views is entitled to express their views under our First Amendment but should not be entrusted with administering justice in our courts. Canon 2 of the Code of Conduct for United States Judges requires judges to act in a manner that promotes public confidence in the impartiality of the judiciary and specifically prohibits membership in any organization that discriminates on the basis of race, sex, religion, or national origin.

Although the President and the Senate should not appoint nominees who are prejudiced, they should not use a political litmus test in selecting judges. It is paramount that a judge be impartial and not have predetermined views especially on matters that become politically charged such as affirmative action or access to abortion services. It is imperative that whomever is selected to serve on our courts must be committed to following precedent and reviewing the facts anew in each case in line with the precedent of the Supreme Court and appellate court decisions, if applicable.

C. Racial Profiling

Racial profiling is a serious problem for Latinos in the United States. Studies show that Latinos are disproportionately identified as potential criminal suspects or potential undocumented persons on the basis of skin color and accent alone. The Immigration and Naturalization Service (INS) and the police have been the main source of this discrimination for Latinos, perpetuating assumptions that most minorities are criminals and that minorities commit the majority of crimes. MALDEF believes that an end to racial profiling would help secure the rights of Latinos and other targeted groups in our country.

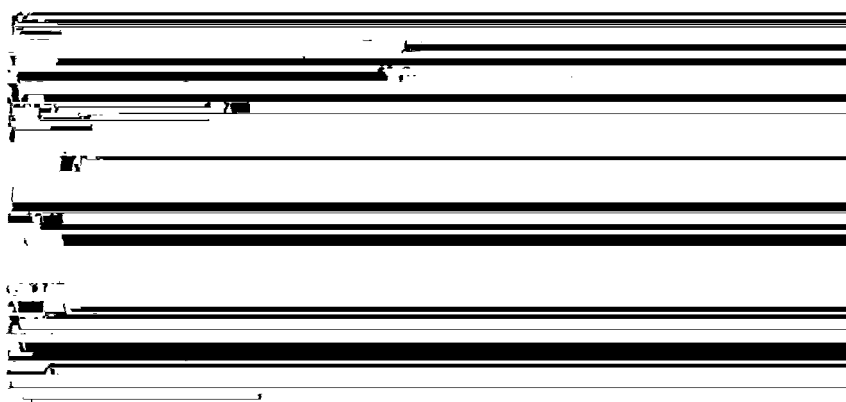
executed 4,400 defendants. As of the end of 1998, there were 3,433 defendants with pending death sentences in the states, as compared to 19 defendants in the federal system. Of the 3,433 state defendants awaiting execution, 43% are African-American. Unfortunately, the statistics available did not separate out what percentage of the defendants are Hispanic. In the face of these and other disparities, a number of state governors have imposed a moratorium on the death penalty.

Consistent with the DOJ's overriding concern regarding fairness in the criminal justice system, DOJ conducted an in-depth examination of the federal death penalty system with an emphasis on the issue of racial disparity which it released in September of 2000. Not only was there racial disparity found in the federal system by the DOJ September 2000 study, but there was also geographic disparity. The U.S. Attorneys who seek the death penalty most often come from a handful of states including Texas, Virginia, and Missouri. Another report released by DOJ in December of 2000 revealed that geographic disparities also exist in state executions. From 1977 to 1999, about two-thirds of all executions occurred in just six states: Texas, Virginia, Florida, Missouri, Louisiana, and South Carolina. Where racial and geographic disparities are found, issues of fairness are also raised. Although a more recent study was released by DOJ in 2001 suggesting that race was not the determinative factor in the use of the death penalty, the DOJ's study was limited, and DOJ agreed to request an additional study by the National Institute for Justice, an independent entity.

E. Hate Crimes

Hate crimes against Latinos in the United States have increased drastically in the 1990s. Statistics demonstrate the imperative need to address incidents of violence and abuse against individuals or groups based on race, color, religion, national origin, gender, sexual orientation, or disability. Serious efforts must be made to protect Latinos and other targeted groups from the dangers of hate crimes.

According to the 1998 Hate Crime Statistics Uniform Crime Reports issued by the Federal Bureau of Investigation, 482 of the 754 single-bias incidents based on ethnicity/national origin were anti-Hispanic cases. Out of a total of 956 victims of



removal of the physically present at time of passage requirement. In addition, MALDEF opposes the addition of a new requirement mandating that the underlying relationship establishing the bases for the visa had to have been established by April 30, 2001.

B. Increasing the Immigration Caps

The caps on many categories of both family based and employment based immigration force families to wait many years before they can be reunited legally. For example, spouses and minor children of legal permanent residents have waited nearly five years after approval of their petition for a visa to become currently available. For other categories, the wait is even longer, and those currently entering the queue may have to wait longer still. The current caps are unrealistic and run contrary to policy promoting family unity and employers' needs to secure able, qualified, legal immigrant workers. It is time for an upward adjustment of the caps on legal immigration. Although the 106th Congress recognized in part the hardship endured by certain family members by creating the K and V visas, allowing immediate family members of legal permanent residents and U.S. citizens to enter legally and be with their loved ones if they have already waited three years while they await further the availability of an immigrant visa, it would be fair and humane to not require immediate family members to be separated even for three years.

In addition, the cap on immigrant visas nunishes in a particular way Mexican-American

[REDACTED]

E. Reinforcing Human Rights Along the Southwest Border

The immigration enforcement strategy along the Southwest border has been a failure. While it has successfully moved the migration streams, it has not stopped the migration of undocumented immigrants into the U.S. In the process of moving the migration streams, the INS has adopted a strategy of not just a war on drugs along the border but also a war on people. It has created a militarized zone, which condones not only deaths due to hazardous natural conditions but also hate crimes and vigilante activities against immigrants, migrants, and others who are or are perceived to be Latino or undocumented. While INS succeeded somewhat in slowing the migration through the targeted areas, the migration simply moved to new areas that are extremely inhospitable both in terms of the natural conditions of the desert and the violent reaction from ranchers being faced with migrants. What is needed is a total re-analysis of migration patterns from Mexico into the U.S., its causes, and new methodologies for addressing the root causes.

The INS has been expanding at such a rapid rate that it cannot hire, train, or retain agents in the numbers it is expected. The INS has approximately 16,500 officers with authority to carry firearms and make arrests - the most of any federal agency. INS has more officers than the Federal Bureau of Prisons, the Federal Bureau of Investigation, the Customs Service, and the Drug Enforcement Agency. For particular Southern border operations, the INS increased its workforce by 3,842 armed agents in four years (FY 94-FY 99). ~~By comparison, the Northern border had no increases during the same four year~~

period, and had a total staffing of 140 agents.

Since the inception of INS' Operation Gatekeeper strategy, deaths due to hypothermia/heat stroke, drowning, accident, and homicide have dramatically increased along the border. While the deaths of migrants due to these causes numbered only 23 in 1994, by 1997 the number had risen to 89. In fiscal year 1998 the number was 261, and in the past fiscal year (2000) it was an alarming 369. Some of the deaths involved situations where border patrol agents felt threatened by rock-wielding migrants. The data on migrant "rescues" now kept by the Border Patrol is two-edged. The Border Patrol attended to 199 incidents involving 500 individuals in FY 1999, and 1,041 incidents involving 2,454 people in FY 2000. While the efforts currently underway to prevent migrant deaths are laudable, the death toll continues to rise due to the increased number of individuals placed at risk under current enforcement policies.

In addition to death from nature and at the hands of the Border Patrol, the incidents of vigilante activities by U.S. citizens has also risen along the border. Some Arizona ranchers along the border recently took up arms to defend their property from those they deem to be trespassers. Alleged white-supremacists and anti-immigrant groups joined forces with some of the ranchers to stop the "Mexican invasion" by any means necessary - going as far as making it a sport to hunt men, women and children, branding them "illegal alien savages." In addition, hate crimes are occurring against migrants who are

and economic structure. Support is needed for a fair immigration legalization program that would be accessible to all nationalities who have come to this country to work. Legal status should apply to workers in a broad array of industries, and not tied to particular employers. In addition, immigrant workers who complain of unsafe or unfair working conditions or who try to organize should be protected, and not subject to automatic deportation.

G. Promoting Development Financing and Investment, and Linking International Trade and Investment to Respect for Core Worker Rights

In many Latin American countries, the most significant source of foreign capital are the remittances sent by immigrants living and working in the United States. A more humane immigration policy will have the added benefit of spurring development and opportunities in the sending countries. Apart from the domestic immigration measures recommended here, the U.S. Government should take other steps to eliminate the root causes of international migration. The U.S. should re-invigorate the international financial institutions by making them more transparent and accountable, and more responsive to the needs of the world's poorest countries. It should also instruct the U.S. Trade Representative to work to make respect for core worker rights an integral part of the policy and practice of those institutions, as well as an integral part of U.S. trade policy and any future trade agreement. While not the same as universal labor "standards," universal respect for core worker rights (the right to organize and bargain collectively, the right to strike, prohibition of child labor, and the right to *some* enforceable minimum wage and hour and health and safety standards) will counteract the current "race to the bottom" in the global economy with respect to labor conditions, and ultimately benefit U.S. workers and our economy.

H. Interior Enforcement: Ending Local Police Involvement with Immigration Enforcement

The 1996 immigration law added section 287(g) to the Immigration and Nationality Act (INA), authorizing the INS to enter into agreements with state and local entities and to deputize local law enforcement officers with broad authority for immigration enforcement. Efforts to formally implement the provision have met with intense public opposition. In other instances, where local officials became involved in INS raids, civil rights were violated and local municipalities were subjected to lawsuits and potential liability. Nevertheless, INS enforcement units continue in their efforts, formally and informally, to enlist, encourage, and coordinate local law enforcement cooperation in the enforcement of immigration law, particularly in areas of the South and Midwest, where there has been a recent influx of Latino workers in response to the demands of the labor market.

J. Restoration of Due Process Rights for Immigrants

The 1996 law also eliminated many due process rights of immigrants. Given the harshness of a measure like deportation, frequently involving separation from family, these rights should be restored to ensure fairness in adjudications and a compassionate immigration policy. Access to federal courts, eligibility for conditional release from detention, and rights to a hearing, have all been severely restricted by the law's provisions stripping federal courts of jurisdiction over many immigration matters, mandating detention for certain cases, and authorizing expansive, expedited removal. Unusually harsh and rigid prospective punishments for immigration law violations, like the reinstatement of old deportation orders, and bars to future relief have wrought untold suffering for many Latino immigrant families.

Some provisions are in open contradiction with what remains of other more equitable elements of the statutory scheme, rendering the latter virtually meaningless. The complexities of immigration law and the competing public policy goals involved require a fair amount of flexibility and discretion to achieve balanced results in the law's implementation. Restoration of due process rights and the meaningful, equitable exercise of discretion will go a long way towards furthering that possibility. Recent Supreme Court cases, such as the *St. Cyr* and *Calcano-Martinez* cases mentioned above, as well as the case of *Zadvydas v. Davis*, 2001 U.S. Lexis 4912 (holding that the post-removal-period detention statute does not permit indefinite detention), all point to the need for Congress to revisit the immigration laws of 1996 and work to restore the due process rights of immigrants.

The enormous rise in those being detained on immigration matters has created another crisis that seriously threatens the rights of detainees. Individuals in INS custody are being held in city, county, and private contract facilities where local authorities have inadequate guidance and supervision from the INS regarding the conditions of their custody. Detainees' rights, such as access to family members, attorneys, health care, and provisions of conditional release, have been seriously damaged by the current failure to manage the crisis with scrupulous attention to individual rights and procedural fairness.

An important first step to remedy this situation was taken recently when the INS issued a Detention Operations Manual, setting forth a detailed set of 36 standards to be used at Service Processing Centers, Contract Detention facilities, and state and local custodial facilities that house INS detainees for over 72 hours. However, while they took effect for INS-owned facilities in January of 2001, the new standards will only be phased in over the next two years at INS contract and other state and local facilities housing INS detainees. It is unclear who will monitor and enforce the implementation of these standards, especially in county jail facilities, which currently house 55% of the INS detainee population and are the source of the most egregious complaints.

supporting documents, allowed their dated documents to expire, or failed to register changes of address or requests for alternate interview times. Although the INS has undergone major revamping of its naturalization process in the last three years, more improvements are needed.

Naturalization applications are processed by fees paid by the applicants. Even though the INS more than doubled the fee within the last few years, more investment is needed, particularly from the appropriated budget. While it is fair for applicants to pay a fee for a service from which they benefit, it is not fair to have them pay a fee to be treated poorly and have their application mishandled. Continuing investments are needed in the naturalization process to ensure high quality of staff and efficient operations so that applicants' fees are processed by a system that works.

Ms. MCKINNEY. Thank you.

Mr. Wood, you spoke of destructive provisions in the draft document. Could you tell me what those provisions are with respect to slavery?

Mr. WOOD. First, Madam Congresswoman, I would like to respond to the views of the organizations that you just noted simply by saying that this is the third World Conference Against Racism and in the case of the first world conference the Administration of President Carter, a man for whom human rights was a hallmark of his Administration, was forced to conclude that the nature of the text was such that the United States could not participate.

In the second case, the Administration of Ronald Reagan reached a similar conclusion, that the concluding documents were such that we could not participate in their finalization.

It is an extremely difficult judgment call on an issue as important as racism, as close to all of our hearts as racism and the elimination of racism is to reach the conclusion that a conference that had such high potential could be brought to a point that U.S. participation was not appropriate.

It is a difficult decision. No decision has been made. We will be looking at the results from Geneva when we will make a final conclusion.

Regarding specific language on slavery, I think I will turn to my colleague, who is closer to the documents themselves.

Thank you very much.

Mr. WAGENSEIL. Madam Congresswoman, there are, as you know, I believe references scattered throughout the draft declaration and draft Plan of Action that refer to historical slavery, the trans-Atlantic slave trade, et cetera.

Many of those paragraphs, and I will not read them into the record, but many of those paragraphs are extreme in their characterization of the issue, but in addition—

Ms. MCKINNEY. Could you list for me those offending paragraphs?

Mr. WAGENSEIL. Well, there are a number of paragraphs that we have taken exception to. For example, very quickly, in the draft declaration paragraphs 95, 96, 107, 108 and 109, are paragraphs that we have registered our opposition to and they remain in brackets. In fact, the whole text, of course, is in brackets pending adoption of final versions.

But as importantly, Madam Congresswoman, the cumulative effect of these paragraphs and some of their phraseology just goes beyond the limits of what the United States or other governments can accept in referring to, for example, the slave trade.

We have registered and continue to register our strong abhorrence of the slave trade, both historical and present, and we join with other governments and we are prepared to work with other governments to find a manner in Geneva and thus in Durban to express our regret for what happened, the tragedy that afflicted millions of people and that, I believe, is a process where progress is quite possible and we are, I believe, heading in a positive direction there, but the language that has been proposed by some delegations and, indeed, some language that has been put forward by NGOs and others that goes beyond that is not acceptable to us. We

are seeking some way to address the past, to recognize the past, to acknowledge the effect of it and then to look for ways to deal with racism and intolerance in the present and the future. That is, of course, the purpose of this world conference and that is what we are trying to find a method to do.

My colleague mentioned in his testimony the new African initiative that was presented by President Thabo Mbeki of South Africa. We see that as a very intriguing possibility which we are actively exploring. For example, as one way to move forward and try to address the contemporary situation.

Ms. MCKINNEY. So the U.S.—

Mr. WOOD. Madam Congresswoman, could I interrupt?

Ms. MCKINNEY. Sure.

Mr. WOOD. Just one more thought and that is that, even on the subject of slavery, which is abhorrent to all of us, the treatment of slavery in the draft documents does not address contemporary slavery, it does not address all instances of slavery in the 18th or 19th century, it addresses one manifestation of slavery, admittedly a manifestation which is paramount to us in the United States because it is one which we were so unfortunately involved, but not even taking the question of slavery in a generic way or in a balanced way.

I think that it would be safe to say that the document even politicizes the question of slavery. So we are looking, I think, for a better sense of balance without in any way minimizing the tragedy of the trans-Atlantic slave trade.

Thank you.

Ms. MCKINNEY. Do you object to the characterization of slavery as a crime against humanity?

Mr. WOOD. Madam Congresswoman, the term “crime against humanity” is a legal term and in asking me that question, you are asking me a legal question to which I must give a legal answer.

If you were to ask do I consider it a mortal sin—

Ms. MCKINNEY. Okay. Let me tell you this—I would like you to give me a legal answer and you said eliminating racism was something that was close to your heart, so give me the legal answer and then give me the answer from your heart.

Mr. WOOD. The legal answer is that there is a legal definition for “crime against humanity” which can include enslavement, but there are other elements and other circumstances which would render the simple phrase “crime against humanity” incorrect.

The answer from my heart is slavery is a mortal sin against humanity. It is possibly the greatest mortal sin because it treats other human beings as property.

Ms. MCKINNEY. So it sounds to me as if on both counts your answer, though, is yes, that not only is it a sin, but it is a crime against humanity.

Is slavery a violation of the laws of civilized nations?

Mr. WOOD. It is certainly a violation of the law of any nation that I would use the word civilized for.

Ms. MCKINNEY. Nations in the 18th and 19th centuries thought that they were civilized.

Mr. WOOD. They got it wrong.

Ms. MCKINNEY. Well, actually, quite frankly, they may not have gotten it quite wrong, because it is my understanding and we are going to have the testimony from one of our witnesses on the third panel that in the Treaty of Ghent signed by the United States, ratified by the United States, slavery is recognized as irreconcilable with the principles of humanity and justice, so there was at least a recognition as early as 1814 or thereabouts that there was something terribly wrong with the practice that the United States itself was engaged in.

Mr. WOOD. I think that the United States has always been blessed with voices that recognized the evils of slavery, going back to its earliest times. Yes, it is hard for me to understand, speaking as a technical diplomat for a moment, how the Administration of, I believe, President Taylor, perhaps, I am not sure, could reconcile signing a document that was inconsistent with the laws of the United States or at that time the Constitution of the United States, but I am not a lawyer, I am just a guy who finds slavery appalling.

Ms. MCKINNEY. Sometimes our leaders ought to lead with their hearts and I think if we did that our foreign policy as well as our domestic policy would be a whole lot better and we would end up treating people a lot better.

So we have kind of agreed here that slavery is a crime against humanity, it is a violation of the laws of civilized nations, and so then there only remains the apology. If the State Department can go so far as to say, yes, slavery is wrong; yes, slavery is a crime against humanity; yes, slavery violates the laws of civilization; so why can you just not take that next leap toward just saying I am sorry?

Mr. WOOD. I guess I am going to have to say two things here. First, we are getting dangerously close to duplicating in Washington discussions that are going on in Geneva. But I think that, again, the concept of an apology implicates not simply regret but also the question of reparations over which there is no consensus here in the United States and it is for that reason that I think that we are—while willing to express regret at that—

Ms. MCKINNEY. Would that be deep regret?

Mr. WOOD. Very deep.

Ms. MCKINNEY. You say that there is no consensus. How do you know that? How do you know that there is no consensus?

Mr. WOOD. We in the United States are indeed focused, I believe, on an active debate about race, about elimination of racial discrimination and it is in fact from that debate that we know there is no consensus.

Ms. MCKINNEY. Well, who are you debating with? Are you suggesting that the Bush Administration is debating with the American people?

Mr. WOOD. Well, again—

Ms. MCKINNEY. After having gone to Bob Jones University?

Mr. WOOD. Again—

Ms. MCKINNEY. After having criticized Senator McCain for adopting a Bangladeshi girl? After us all watching Gary Graham fry in the electric chair?

Mr. WOOD. Again, I know that the White House has under the Bush Administration, among other things, conducted a number of

seminars around the country, not just in Washington, on the topics under discussion for the World Conference Against Racism but I also believe it is fair to say that there is a much broader dialogue going on in the United States among the races——

Ms. MCKINNEY. Where is that dialogue taking place? Are you involved in it?

Mr. WOOD. I think among other places—yes, I think I am involved in it. And I think that you believe you are involved in it, too. I believe that you are in fact one of the most formidable voices in that dialogue and it is a difficult dialogue, it implicates people's feelings about the past, the present and the future and their most personal selves. And the dialogue is regrettably not over and we have not reached a conclusion because we have not solved the problem. But, yes, I think that there is an active dialogue going on in the United States on this subject.

Ms. MCKINNEY. You are a good man, Mr. Wood.

Mr. TANCREDO. Thank you, Ms. McKinney.

I have just a couple of questions. So that we can in fact get on to the other panels, I will make mine quick and I hope that you will be able to respond in a similar manner.

First of all, the paragraph identified as new 170 in the draft program urges all states to refrain from taking any measures leading to the recognition of Jerusalem as the capital of Israel or of any measures aimed at altering its geographic, demographic and institution's characteristics in violation of the norms of international humanitarian law and relevant repeated U.N. resolutions.

Well, considering the fact that I have in fact myself sponsored a resolution of this nature and that that was in turn incorporated into language that became part of the State Department reauthorization and has been passed by this Congress, actually been passed on several occasions, what are your observations about this particular part of the Program of Action and its implications, I guess, for us here in a policy way?

Mr. WAGENSEIL. Mr. Chairman, as would be obvious, that paragraph is one to which we object. We believe strongly that an effort by a world conference such as this, in effect to legislate behavior of national governments in international relations such as this, is entirely inappropriate, plus, of course, the larger question it reflects, which is the focus by a number of delegations, a small number of delegations, on criticisms of Israel and of Israeli policies, anti-Semitism, criticism of Zionism and so on.

The nature of the documents that we are considering is a draft declaration and a program of action. The declaration is a statement of intent, it is a hortatory statement. The Program of Action is a call for states to do certain things and we are doing our best in the negotiations to focus that declaration on declarations which contribute to the fight against racism, not exacerbate racism, and to a Program of Action which is action-oriented, forward looking and positive in its contribution to the fight against racism and this paragraph is not one of those paragraphs.

Mr. TANCREDO. Well, I certainly would counsel you that to accept any sort of language like this, certainly it turns—I would be under this language, if it were adopted, I would be identified as a racist because I introduced the legislation that we are talking about here

and, of course, everybody that voted for it would fall into that category under these kinds of guidelines, but, you know, there is another aspect throughout this whole thing.

I mean, there are four or five questions here that really I can try to sum up in a way into one and that is there is a lot of discussion about indigenous people, about—let's see. Discriminatory legal doctrines and attitudes concerning treaties to indigenous nations and the states take corrective action, there are references to all kinds of developmental issues, for instance, although it is the NGO forum declaration urban draft, it is the same thing, we strongly recommend adoption of the U.N. declaration of rights of indigenous peoples approved the subcommission. It goes on to talk about denying indigenous peoples' land rights, including rights to subsoil resources—see, all kinds of things, it seems to me, in both these draft documents and some of the proposals made by the NGOs, takes us far afield of the whole issue of racism.

I mean, these are developmental issues, there is no—I do not think there is any disagreement that we have some very significant concerns about the way lands are being dealt with, but the purpose of this conference is to deal specifically with the idea of racism and do you not agree that we dilute this whole concept by adding these references to developmental issues especially? And they are all through here.

Mr. WAGENSEIL. Mr. Chairman, the references to the draft declaration on the rights of indigenous peoples which you just referred to harkens back to a text that is currently under negotiation in the United Nations system. There is a similar text being negotiated within the Organization of American States.

These have to do with the rights of indigenous peoples and indigenous themselves say that access to land, access to resources is very much part of the issues that concern them.

When we went to the regional conference in Santiago, Chile, the Americas regional conference, there was a general agreement that indigenous issues are very appropriate for the world conference because Native American peoples throughout the hemisphere suffered racism, continue to suffer racism in this and other countries and it is appropriate for the world conference to address it.

Now, it is going afield, as you said, for the world conference to start talking about developmental issues or assistance programs and that sort of thing. The reference that I heard you mention was to the draft declaration and the concepts that indigenous peoples have certain rights because of their historical tenure on the land, because of their relationship with a certain territory and that sort of thing.

What we wish to do in the world conference, not just for the Americas, but for indigenous peoples around the world is to recognize that they have also been victims of racism, that they must also benefit from these programs of action that we are proposing, these initiatives, in criminal justice, in health care, in housing and so on, to help address the situations that they now face.

Mr. TANCREDO. Thank you very much. And we will excuse you so that we can get on to the others. I appreciate very much your patience waiting through the long list of opening comments and also then sticking through the discussions we have had.

Let us go ahead and bring up the next panel, then.

Our first private panel begins today with the testimony of Rabbi Marvin Hier. Rabbi Hier is the dean and the founder of the Simon Wiesenthal Center and the acclaimed Museum of Tolerance. In 1977, he founded the Simon Wiesenthal Center which today consists of a membership of over 400,000 families.

Prolific in his writings, his works appear in multiple journals and he is the author of numerous editorials and articles covering the topic of worldwide anti-Semitism, the resurgence of neo-Nazism and international terrorism. He is also the founder of Moriah, the Simon Wiesenthal Center film division, and is the recipient of two Academy Awards for his work on "The Long Way Home" and "Genocide."

He also worked as a consultant for the film "Schindler's List" and the adaptation of Herman Wouk's "War and Remembrance."

Thank you very much for coming and welcome.

Second, we will hear from Richard Heideman. Mr. Heideman presently serves as President of B'nai B'rith International. He has previously served as the Vice President of the same group for 4 years. At the same time, Mr. Heideman is the President of the American Israel Chamber of Commerce and has been a delegate to the World Jewish Congress and the World Zionist Organization and the Jewish Agency for Israel.

Mr. Heideman founded his law firm in 1973. He concentrates his legal services in criminal, civil and corporate defense, as well as corporate development, health care and international trade and finance.

I look forward to hearing your testimony and welcome.

And, lastly, we will be hearing from Mr. Michael Salberg. He is a member of the National Executive Committee and is a national commissioner of the Anti-Defamation League. He is the Chair of the Anti-Defamation League's International World of Difference Program. He is also Vice Chair of the ADL's National Education Committee and Chair of that Committee's Subcommittee on educational programs. He serves as the Vice Chair of ADL's committee on Russian affairs.

Mr. Salberg, a practicing lawyer in New York, is currently a partner of the firm of Graubard & Miller, where his practice focuses on the representation of local, national and international clients in corporate and commercial transactions.

Thank you very much for joining us today and welcome.

We will first turn to Rabbi Hier.

STATEMENT OF RABBI MARVIN HIER, FOUNDER AND DEAN, SIMON WIESENTHAL CENTER

Rabbi HIER. Thank you very much, Mr. Chairman, Congresswoman McKinney, thank you for having me here. In the interests of time, I am going to ask that the full record of my remarks be entered and I will summarize my remarks.

Mr. TANCREDO. Without objection.

Rabbi HIER. We are on the coordinating committee, one of only 12 NGOs, working on the world conference. Last night, our delegate in Geneva supplied us with the information and I just would like to begin my remarks in this manner.

Yesterday we heard from Secretary General Kofi Annan and from Mary Robinson that things are going to get better. Last night, the NGOs delivered their final draft for the world conference and, as has been mentioned before, we learned from our representative in Geneva that the final version includes the following language which I will summarize.

Paragraph 164, "Stop the escalation of the third holocaust perpetrated by the Israeli government and its settler community against the people of Palestine . . . The United States of America and the United Kingdom are responsible for imposing an Israeli state in the lands of Palestinian people and have continued to fund and support the expansion of this state. Their intervention has proven to be biased toward the expansion of the Israeli state and the extermination of Palestinian people."

Paragraph 73 from the final draft. "Recognizing further that the Palestinian people are one such people currently enduring a colonialist, discriminatory military occupation, that the Palestinian people have the clear right under international Law to resist such occupation by any means until they achieve their fundamental human right to self-determination."

Paragraph 191. "We call for the declaration of Israel as an apartheid, racist and fascist state as it has continued to violate the rights of civilians in its quest to build a Jewish settler state. And impose punitive measures to stop the expansion of this barbaric and inhumane project that has the potential to disturb world peace and stability within societies."

Paragraph 246. "To declare the actions of the Israeli state against the Palestinian people as genocide, ecocide and ethnocide and call on the United Nations to impose punitive measure against Israel until in unconditionally withdraws from all the Palestinian occupied territories and agrees to work with the people of Palestine to restore their economy and social life that it consciously destroyed . . ."

If anyone is shocked by the hatred spewed forth in this document, we should recognize that it closely parallels the efforts made by some nations to insert the same invective in the official governmental draft declaration currently under consideration in the preparatory meetings in Geneva.

To quote just one suggested sentence for the official text of the World Conference:

"The holocaust and the ethnic cleansing of the Arab population in historic Palestine and in Bosnia, Herzegovina and Kosovo must never be forgotten."

And there are other deeply troubling developments the eve of these hearings. Our Center, which serves on the coordinating committee of the world conference, one of only 12 NGOs, has been denied a request to include a commission on anti-semitism among the Durban conference's 20 thematic commissions; though these already include a separate commission on Palestine and another commission on occupation, but we are not allowed to have a commission on anti-semitism.

Now comes word that the Wiesenthal Center's nomination, after all, we are on the coordinating committee of the world conference,

of Mrs. Ruth Gillis was rejected as a presenter to the Conference's special forum: entitled "Voices of Victims." Her late husband, Dr. Shmuel Gillis, was the renowned and beloved Haddasah Hospital cancer specialist, who served Israelis and Palestinians alike. He was murdered in a Palestinian terrorist ambush on February 1, 2001, for no other reason except the fact that he was Jewish.

The organizers world conference justified their rejection because the victims from the Middle East region were already over-represented. Apparently, having one Jewish victim from Israel is one too many for the U.N. World Conference on Racism.

Unfortunately, all this is reminiscent of the 1979 campaign at the United Nations to delegitimize Israel through the infamous "Zionism is Racism" resolution. Though subsequently annulled, this time around, this new campaign is much more pernicious.

People often forget that there is only one Israel and one democracy in the Middle East, but there are 22 Arab states who are determined every day to malign Israel. Unfortunately, when oil talks, people listen.

The issues that inspired the Durban conference are too important to be politicized. Indeed, the post-apartheid South Africa is the appropriate venue for nations to gather and honestly discuss these crucial issues for African concerns in those areas have been so long been neglected.

No nation can claim to be free from xenophobia and racism. But it is terribly wrong, when amongst all nations on this planet, only one, the State of Israel, is singled out regarding its policies in the draft declaration. Of course, Israel is not above criticism, but how credible can this conference be when nations with horrible human rights violations such as Iraq, Libya, Iran, Afghanistan, and Syria escape any criticism at all?

Particularly shocking is that even as Israel offered unprecedented concessions for peace at Camp David, that such a campaign is now in place at the United Nations and even its specialized agencies with a virulence long-thought buried with the demise of the Cold War. Once again, Israel is the favorite target, not only at the U.N., but also at U.N.ESCO, where we serve as an NGO, on the U.N. Human Rights Commission, the International Labor Organization, and the World Health Organization.

This bias has created a climate of hate against Jews and Jewish institutions. Our own report found that since the outbreak of the Intifada II, more synagogues have been desecrated than at any other time since the infamous Kristallnacht in 1938.

Mr. TANCREDO. Rabbi, I am sorry to interrupt, but I am going to have to ask you to go ahead and sum up, if you will. As you know, your full testimony will be incorporated into the record.

Rabbi HIER. Mr. Chairman, I just want to make one remark and then just close and that is regarding Syria, which will now serve shortly as a non-permanent member on the security council of the United Nations and that is to say that it is amazing that you will find no words of criticism directed at Syria at the World Conference Against Racism and Xenophobia when its defense minister, General Mustafa Tlass, is now producing a moving saying that Jews believe in the blood libel and this is a picture here which I presented to the Members of Congress and is now on the screen of

General Tlass' book which purports the notion that Jews practice the blood libel when they eat matzohs on the Passover festival.

He is the defense minister of a country on the security council of the United Nations. You will not find any criticism about him or his country in the South Africa world conference. Why? No answer.

[The prepared statement of Rabbi Hier follows:]

PREPARED STATEMENT OF RABBI MARVIN HIER, FOUNDER AND DEAN, SIMON WIESENTHAL CENTER

Mr. Chairman, thank you for inviting the Simon Wiesenthal Center to testify before the Committee.

The Simon Wiesenthal Center is an international human rights agency with a constituency of 400,000 members that combats bigotry and antisemitism worldwide. It also promotes human dignity through its Museum of Tolerance, and its Tools for Tolerance programs that has trained over 40,000 law enforcement professionals, 16,000 teachers and others. The Center is currently building a similar training facility in Manhattan to open in 2002. The Center has offices in the United States, Canada, Latin America, Europe and Israel and is proud to be an NGO of the United Nations, UNESCO, and the OSCE.

I would like to begin my remarks by focusing on the upcoming United Nations Conference on Racism, Racial Discrimination, Xenophobia, and Related Intolerance that will take place in South Africa. We are the only Jewish organization to have been elected to the International Coordinating Committee of the Conference's NGO Forum. As such, we have been active participants at preparatory meetings in Geneva, Warsaw, Strasbourg, and Santiago. We were however, excluded as a Jewish organization from the Tehran Preparatory conference, in violation of our United Nations credentials.

Our Center has been denied a request for the inclusion of "Antisemitism" among the Durban Conference's 20 thematic Commissions; though these already include a separate Commission on "Palestine" and another on "Occupation."

Now, on the eve of these hearings, comes word that the Wiesenthal Center's nomination of Mrs. Ruth Gillis was rejected as a presenter to the Conference's "Special Forum: Voices of Victims". Her late husband, Dr. Shmuel Gillis, was the renowned and beloved Haddasah Hospital Cancer specialist, for Israelis and Palestinians alike. He was murdered in a Palestinian terrorist ambush on February 1, 2001, simply because he was Jewish. The organizers justified their rejection because the victims from the Middle East region were already over-represented. Apparently, one Jewish victim from Israel is one too many for the UN World Conference on Racism.

Unfortunately, all this is reminiscent of the 1979 campaign at the United Nations to delegitimize Israel through the infamous, "Zionism is Racism" resolution. Though subsequently annulled, this time around, this new campaign is much more pernicious.

People often forget that there is only one Israel and one democracy in the Middle East, but there are twenty-two Arab states who are determined to malign Israel. Unfortunately, when oil talks, people listen.

The issues that inspired the Durban conference are too important to be politicized. Indeed, the post-Apartheid South Africa is the appropriate venue for nations to gather and honestly discuss these crucial issues for African concerns in these areas have for so long been neglected.

No nation can claim to be free from xenophobia and racism. But it is terribly wrong, when amongst all nations on this planet, only one, the State of Israel, is singled out regarding its policies in the draft declaration. Of course, Israel is not above criticism, but how credible can this conference be when nations with horrible human rights violations such as Iraq, Libya, Iran, Afghanistan, and Syria escape any criticism.

Particularly shocking is that even as Israel offered unprecedented concessions for peace at Camp David, that such a campaign is now in place at the United Nations and its specialized agencies with a virulence long-thought buried with the demise of the Cold War. Once again, Israel is the favorite target, not only at the UN, but also at UNESCO, the UN Human Rights Commission (UNHRC), the International Labor Organization (ILO), and the World Health Organization (WHO). This bias has created a climate of hate against Jews and Jewish institutions. A Simon Wiesenthal Center report found that since the outbreak of the *Intifada II*, more synagogues were desecrated than at any other time since the infamous Kristallnacht in 1938.

Mr. Chairman, those seeking to hijack the Durban Conference have shamelessly rewritten the draft declaration to distort the significance of the Nazi Holocaust by presenting the term with a small "h" and by adding an "s" to the end of the word, denying its place in Jewish and world history.

Today, the world center for Holocaust denial and antisemitism has shifted to the Arab world. Hardly a day passes in the Arab media without an article deriding the Holocaust, slandering Judaism or showering praise on Hitler. Let me offer you a few examples translated from Arabic by the organization, MEMRI.

This February, *Al-ghad*, the monthly magazine of the Arab Red Cross and Red Crescent Societies, (an affiliate of the International Red Cross), featured an editorial by its Director General, Dr. Al-Ashi. In it, he criticized Israel's attempt to have the Star of David become an official symbol accredited to the Red Cross. Dr. Al-Ashi described Jews as those who "*stood against Christ and were the opponents of Mohammed, the killers of prophets and the promoters of drugs, prostitution, homosexuality and crimes.*" All this was said in the name of an organization, which is supposed to promote health and humanity.

When Secretary of State, Colin Powell made his first official trip to the Middle East, Egypt's main newspaper, the government sponsored *Al-Akbar* wrote, "*The American Secretary of State, shed his skin, tore himself from his roots, and today he represents only himself and no connection to the black American community . . . He did not hesitate to demonstrate humiliation . . . as he stood humble, a Jewish yarmulka on his head in front of the memorial of the false Holocaust of the Jews.*" To which the editor of the newspaper added in his editorial, "*Certainly this cursed yarmulka causes whoever wears it to lose his righteousness to forget justice.*"

This year, a day before the international observance of Holocaust Remembrance, columnist Ahmad Ragab, writing in that same newspaper said, "*Thanks to Hitler, [of] blessed memory, who, on behalf of the Palestinians revenged in advance against the most vile criminals on the face of the earth. Although we do have a complaint against him, for his revenge on them was not enough.*"

Mr. Chairman, we are not talking about a neo-Nazi publication. This is the semi-official government newspaper of Egypt, whose editor is appointed by President Mubarak.

In addition, let me share with you some lyrics from one of the most popular songs in Egypt today entitled, "I hate Israel." Its lyrics include: "I hate Israel even if you ask and I hate Ehud Barak because you are repulsive and because all people hate you."

This antisemitism is also expressed by Arab leaders. For example, just a few months ago, it was announced in Damascus by Syrian Defense Minister, General Mustafa Tlass, that his book, *The Matzah of Zion*, an infamous antisemitic canard and blood libel, was being made into a movie for worldwide distribution. Tlass' book describes how the Jews of 1840 Damascus allegedly murdered a Catholic priest, Father Toma, and drained his blood in order to use it to bake matzoh to fulfill a Jewish ritual.

At their press conference in Damascus, Tlass and Egyptian producer, Munir Radhi, remarked that *The Matzah of Zion* would be the Arab world's answer to *Schindler's List*. Isn't it ironic that there is total silence regarding this initiative at the United Nations? After all, Syria is about to be seated as a non-permanent member on the United Nations Security Council.

I can assure you that if a similar announcement had been made by the Defense Ministers of Germany or Poland, it would make the front page of every newspaper in the world. But because it occurred in the Middle East, the world community paid no attention, as if Middle East tensions are a legitimate excuse for Jew hatred.

Is it any wonder that when I sent a letter of protest to President Mubarak and to Defense Minister Tlass, I did not even receive the courtesy of a reply. But that is not really correct. I did get a reply. Their silence was their reply, because they know the world has decided to give Arab antisemitism a virtually free pass.

In closing, I urge members of this important Committee to do everything in their power to expose and defeat those who have hijacked the agenda of the Durban Conference. Failure to do so, will not only further destabilize the Middle East, and legitimize antisemitism, but will betray the victims of racism around the world.

Mr. TANCREDO. Thank you, Rabbi Hier. Both Ms. McKinney and I do have a question, if you could just actually expand one moment on the blood libel. What exactly is that?

Rabbi HIER. The blood libel, General Tlass has written a book. In 1840, a Damascus blood libel, he says that Jews during the Passover holiday, they eat matzoh, unleavened bread, that the

matzoh, according to Jewish ritual, must be immersed in the blood of Christians or Moslems and this is the infamous blood libel that has been condemned for hundreds of years, now going to be again resuscitated by the defense minister of Syria without criticism from the world community and from the press, which does not often criticize Arab anti-Semitism, somehow it is attached to the Middle East conflict.

Mr. TANCREDO. Thank you very much, sir. I appreciate that.

Ms. ROS-LEHTINEN. [Presiding.] Mr. Heideman, Thank you.

**STATEMENT OF RICHARD D. HEIDEMAN, PRESIDENT, B'NAI
B'RITH INTERNATIONAL**

Mr. HEIDEMAN. Thank you very much. Chairwoman Ros-Lehtinen, Ranking Member McKinney, Members of the Subcommittee, thank you for inviting me in my official capacity as President of B'nai B'rith International, the world's largest and oldest Jewish organization, having been founded in 1843 and having provided leadership to not only the Jewish world, but leadership on behalf of all non-governmental organizations and leadership on issues of interest to this Subcommittee, being a Subcommittee on international operations and human rights.

I understand that my advance filed prepared text will be inserted into the record.

Ms. ROS-LEHTINEN. Yes. Without objection, all of your statements will, so please feel free to summarize.

Mr. HEIDEMAN. Thank you. I will do so. I would also like to ask that the testimony filed on behalf of Ms. Bonnie Lipton, the Honorable President of Haddasah, the Women's International Zionist Organization, also be entered into the record.

Ms. ROS-LEHTINEN. Without objection.

[The information referred to follows:]

PREPARED STATEMENT OF BONNIE LIPTON, NATIONAL PRESIDENT, HADASSAH

My name is Bonnie Lipton and I am the National President of Hadassah, the Women's Zionist Organization of America. With 300,000 members and 1,100 chapters nationwide, Hadassah is the largest women's and largest Jewish membership organization in the country.

On behalf of Hadassah, I thank you for the opportunity to submit testimony to this Committee and urge your leadership and action in ensuring the purity of purpose for this important international conference, that has the potential to establish new, universal standards for combating the ugly scourge of racism.

In direct opposition to these admirable goals is a troubling attempt to pervert the purpose of this conference for unrelated political purposes. I refer here to the campaign to single out Israel, Zionism, and the Jewish people as racist and anti-humanitarian. This campaign not only undermines the potential good that the conference can accomplish, but it is racist in and of itself, and will serve only to delegitimize the entire conference, and squander an opportunity to advance the human condition. Most troubling is the potential of this anti-Israel politicization to overturn the positive actions by Israel, Zionists, and Jewish organizations around the world.

The Jewish people have long been committed to righting wrongs, and to working for equality, social justice, and the improvement of the general quality of life of all people around the world. By acquiescing to pressure by Arab states and others to ostracize Israel and the Jewish people, Jewish and Zionist agencies will no longer have the ability to help the very people who have suffered the most from discrimination and racism in a variety of forms. My own Zionist organization's recent experience at the United Nations can serve as an example of the dangers posed by imposing an anti-Israel political strategy.

Hadassah was founded in 1912 as a practical Zionist organization, to bring public health infrastructure to the Middle East. Hadassah's practical brand of Zionism led

its founding members to send two nurses from the United States to Jerusalem, to begin what was to become the creation of the most advanced medical infrastructure in the region. As nurses Rose Kaplan and Rachel Landy walked through the streets of Jerusalem, they treated Jewish and Arab children alike, focusing at first on the most striking of curable ailments—eye disease. Children whose eyes were infected with trachoma received seemingly magic drops from the hands of these two American Jewish nurses, and went from a life of darkness to one of light. From this point onward, Hadassah brought public hygiene, nursing, and medical facilities to Jerusalem and from Jerusalem to the rest of the region and the world.

Hadassah's activities did not stop at Israel's borders. During the 1960's and 1970's, in cooperation with various governments in Africa, Hadassah established eye-care centers to treat eye diseases in eleven African countries. Since that time, Hadassah has trained ophthalmologists from each of these countries, and has sent Israeli doctors to contribute their skills on the ground. In this way, Hadassah, as a Zionist organization, has a long record of providing better futures for African children through health care improvement.

In this tradition, Hadassah has worked from our centers in Jerusalem, to train over 28,000 health care professionals in 112 countries, some of which did not even have official relations with the State of Israel. Our medical professionals maintain relationships with several countries, and conduct joint research on a variety of diseases that effect people around the world. In the past year, Hadassah's doctors have made significant medical discoveries in the fields of cancer, diabetes, HIV/AIDS, mad cow disease, and a host of other disease processes.

Today, the Hadassah Medical Organization in Israel is the most advanced health care system in the Middle East, providing the highest quality treatment, regardless of religion or nationality. Hadassah institutions reach beyond political, ethnic, and religious boundaries to promote health care, and through that work act as a catalyst to encourage understanding and mutual acceptance. It is not uncommon for Jewish and Arab patients and their families to share rooms in our hospitals, comfort each other, and forge bonds on the most basic human levels. We at Hadassah have learned that disease has no boundaries, and it is the great human equalizer. As an antidote, health care can bridge other gaps that otherwise are considered to be unbreachable.

Hadassah wanted to take its expertise to an even larger international arena, by gaining special consultative status with the United Nations Economic and Social Council (ECOSOC). We believed that the experience and proficiency of our medical personnel and educators would positively contribute to international deliberations and endeavors, as sponsored by the United Nations. When our application came for consideration by the ECOSOC Committee on Non-Governmental Organizations (NGO Committee), we were accused of being racist, simply because we are a Zionist organization.

These accusations, as leveled by the Lebanese, Syrian, Palestinian, Iranian, Iraqi, and Libyan representatives, were not based on the accomplishments of Hadassah's practical work to advance medicine, education, and mutual understanding. Rather, they were political in nature. In fact, the Palestinian representative to ECOSOC was asked by the press why she opposed Hadassah's application for this status, especially when Hadassah has trained Palestinian doctors and health care professionals. Her answer is revealing. She responded that she did not have any problem with Hadassah's substantive work in the region, but that her delegation's opposition to our application was political in nature.

Not only were we shocked by this accusation, but we understood that by attacking Hadassah in this manner, the Arab Group was trying to return the United Nations to the dark days of the 1970's, when the UN General Assembly passed Resolution 3379 labeling Zionism as racism.

The overall intent of this cynical political manipulation of the United Nations processes is to isolate the State of Israel, Zionist organizations, and ultimately the Jewish people. The results could have greatly impacted our ability to deliver our medical and educational services around the world.

Due to the serious implications of these accusations, Hadassah could not allow itself to be intimidated by this attack, and we stood up to these erroneous charges and pointed to our almost 90-year record of humanitarianism. We called on the NGO Committee member states to remain true to the purposes of ECOSOC—the humanitarian arm of the United Nations—and reject the political manipulation of the application process by the Palestinians and the Arab States. While we were successful in refuting this attack on Zionism, Hadassah understands that we have entered a new phase of anti-Israel and anti-Semitic activity in the United Nations fora. Unlike the 1970's, when the charge of "Zionism is racism" was first introduced, today these accusations do not remain at the political level. They are applied to the

functional level and are implemented through international organizations. Now, Israelis and the State of Israel are being singled out for discrimination and even prosecution. This fact makes the political manipulation of international bodies and conferences by the Palestinians and the Arab States more significant and dangerous.

While we are not a political organization, we at Hadassah have a responsibility to protect the ability of our doctors, educators, and health care providers in Israel to engage in research and medical relief activity around the world. Our concern about the insertion of anti-Israel and anti-Zionist language into the WCAR's outcome documents is that this language will serve as an excuse for labeling Jews, Israelis and employees of Zionist organizations as *personae non-grata*. If this were to occur, Hadassah's doctors would be in danger of not being able to perform their medical research and treatment in countries other than Israel. Moreover, Hadassah Medical Organization's relationships with hospitals and schools around the world also could be endangered.

To illustrate this point, one of Hadassah's physicians, Dr. Shlomo Ma'ayan has been researching a vaccine for Type III HIV, the most prevalent type of the HIV virus in Africa. He is about to begin clinical trials on this vaccine in Ethiopia, in cooperation with the Ethiopian government and other entities. As part of the non-aligned movement, Ethiopia has been under severe pressure to support the anti-Israel and anti-Zionist initiatives in the United Nations and other international bodies. During Hadassah's ECOSOC application process, Ethiopia supported us only after we were able to break the discipline of the non-aligned movement with the help of the United States—and even then, it was not an easy decision. The Ethiopian Ambassador to the United Nations continues to be marginalized due to his courageous vote. We fear that next time, Ethiopia may not be able to withstand the pressure, and will not only feel compelled to vote against Israel and Zionism, but will then feel forced to implement the international standards by banning Dr. Ma'ayan—a Jewish Israeli employee of a Zionist organization—from performing his critical medical work.

Ladies and gentlemen of the Committee, I urge you to be vigilant in your activity to oppose any attempt to pervert the purity of purpose for the World Conference Against Racism. I urge you to reject all proposals that seek to single out Israel, Zionism and the Jewish people for international sanction. I urge you to ensure that the United States sends a strong, high-level delegation to Durban to achieve these goals. We at Hadassah believe that the consequences of the adoption of this language will have ramifications that reach well beyond the scope of the conference—consequences that ultimately will prevent the advancement of the human condition.

Mr. HEIDEMAN. And, similarly, I understand it may already have been ordered, but I wanted to be sure that the comments of Jason Isaacson on behalf of the American Jewish Committee be similarly entered into the record.

Ms. ROS-LEHTINEN. Without objection.

Mr. HEIDEMAN. Thank you very much.

I have the privilege of not only serving as the international President of B'nai B'rith, but also as Chairman of the United Nations committee for the Conference of Presidents of major American Jewish organizations.

My wife, Phyllis Greenberg Heideman, and I had the opportunity to participate as official NGO delegates to the 1985 United Nations Conference on Women that was held in Nairobi, Kenya. That particular conference, Members of Subcommittee, had a specifically focus to evaluate, assess and appraise the status of women in the world, but that conference was hijacked to instead focus on issues arising out Israeli-Arab conflict.

It was a conference that was hijacked so far that we could see in the United Nations plenum held in Nairobi signs held up that talked about death to Zionists. We could see and hear vitriolic language that all of us in this room would deem to be racist and unacceptable in this country and in any forum.

Israel is treated different than every other country in the world at the United Nations and at every United Nations forum we have experienced—and when I say we, I mean we, the Jewish people acting on behalf of ourselves as Americans, on behalf of ourselves as Jews, on behalf of the people of the State of Israel, we have experienced discrimination that is unacceptable.

B'nai B'rith is well known for its hard work, never having been innocent bystanders, on the activist issues involving civil rights, involving human rights. This particular United Nations conference has a name. It is called the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. It seems to me that one of the messages, Madam Chairwoman, that should come from this Subcommittee's hearing is the message that this particular conference should focus on the business at hand and not be permitted to be politicized or hijacked by any group into issues that do not directly relate to racism, racial discrimination, xenophobia and related intolerance.

At the B'nai B'rith Klutznick National Jewish Museum in Washington, there is a wonderful letter penned by George Washington, our President. In it are words to the following effect: "To bigotry, no sanction. To persecution, no assistance."

In fact, watch words for our country.

I remember the Nairobi conference for another reason. The leadership provided by the United States saw to it that at the end of the day that conference came back on track. Under the leadership of Maureen Reagan, President Reagan's daughter, and the leadership of Ambassador Alan Keyes, the United States delegation led the way with excellence and power to see to it that everyone remained focused on the issues before that particular United Nations Conference on Women.

I hope, B'nai B'rith hopes, that in fact the President and the Secretary of State will determine that Secretary Powell participate in this conference. But if it is determined that Secretary Powell will not be participating, for whatever reason, I urge that the highest possible delegation be sent that will have the capability to speak loudly, clearly and strongly on behalf of all of the American people standing together against racism, against racial discrimination, against xenophobia and against related intolerances.

We must be the message bearer. Sending experienced, knowledgeable people as part of the United States delegation is essential and we support the top delegation that is available to go to this important conference.

One last word. If we read the preparatory conference reports, you will see that there are many good words, but many good words are not enough for a United Nations document. Every word must be good in a United Nations document. And if one looks at the report that came out of preparatory conferences, specifically the Tehran conference, one will note terrible words and one should also note that not one Jewish organization, not one NGO like minded to protect the civil and human rights of people, were permitted to participate in the Tehran preparatory conference.

We will watch carefully what is going on today in Geneva, but we are not bystanders there. My colleagues at this table and all of the other like minded organizations who have been working to-

gether cooperatively to get this conference back on focus and back on message and back on the issue remain terribly concerned.

Only our joint good work with the loud and respected voices from both sides of the aisle, from the White House and the State Department, from all of the NGOs who are committed to seeing to it that there is a better future in this world, all of us working together can make a difference.

As a product of the '60s, I am proud to look back and see that at various times in our history, in my lifetime, we have helped make a difference, but we have not done enough. There is more to do. And the answer at our hands today is to see to it that this conference is not hijacked, it is not politicized, that Israel and the Jewish people are not maligned, that no single people are singled out for being maligned. We must get back to the mission at hand and see to it that this conference does the good work it was called together to do.

Thank you very much.

[The prepared statement of Mr. Heideman follows:]

PREPARED STATEMENT OF RICHARD D. HEIDEMAN, PRESIDENT, B'NAI B'RITH INTERNATIONAL

Chairwoman Ros-Lehtinen, Ranking Member McKinney, members of the Subcommittee, thank you for inviting me to speak before your subcommittee today and your interest in a most critical issue. My name is Richard D. Heideman and I am the president of B'nai B'rith International, the oldest service organization started in the United States. Since its founding in 1843, B'nai B'rith International has evolved to fit the needs of each era, but its core mission has remained constant: defending human rights; serving the less fortunate; combating bigotry, prejudice, anti-Semitism, and intolerance; preserving Jewish heritage, Jewish unity, and Jewish security. We have members in 58 countries.

I serve as the chair of the Conference of Presidents of Major American Jewish Organizations' United Nations Committee. Additionally, B'nai B'rith International is a member of the American Jewish community's working group on the United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Other Forms of Intolerance.

From August 31 to September 7, the United Nations will oversee the Conference in Durban, South Africa. This is the third such conference to be convened, with the preceding two meetings in 1978 and 1983. As stated, the Conference seeks to become the most comprehensive forum of its kind as it attempts to explore the state of racism today and its many faces throughout the world while issuing a set of recommendations to combat the scourge in a coordinated and global manner. As Mary Robinson, UN High Commissioner for Human Rights and Conference Secretary-General recently declared, the conference could be among "the most significant gatherings at the start of the century." Significant, perhaps—but helpful only if it sticks to fighting racism in its most pernicious forms.

Regrettably, attempts to politicize the gathering and bias its outcome by soft-pedaling the most enduring form of murderous intolerance—anti-Semitism—already have been made. Only strenuous efforts by the American and Israeli governments and B'nai B'rith International and other Jewish nongovernmental organizations ensured that preparatory conferences in Santiago, Chile and Strasbourg, France deflected attempts to eliminate any mention of prejudice against the Jewish people as a form of racism.

Outrageously, our voices were not heard at a third preparatory conference, held by the Asia Group in, of all places, Tehran, Iran. In fact, Jewish groups purposely were excluded. Delegates adopted a resolution accusing Israel of "racist" laws and "genocidal" behavior. The Tehran document proposed further to replace any references to anti-Semitism as a form of racism with the insidious phrase, "Zionist practices against Semitism," thus attempting to undermine the idea that hatred of the Jewish people exists, and reviving the poisonous and untrue idea that Zionism is a racist movement. Moreover, the Tehran document proposed also to change references to the Holocaust to the generic, plural term, "holocausts", thus denying the uniqueness of Hitler's murderous campaign to eliminate the Jewish people. Also distressing is language that equates the construction of settlements by the State of

Israel with crimes against humanity. Since this language was included in an official draft document of a regional preparatory conference, it is being considered in the global preparatory meetings that are charged with the task to reconcile the regional documents and produce a draft to be considered by the full gathering in Durban.

These disturbing developments are hardly isolated. At other recent UN human rights sessions, participants have diverted the proceedings to unleash anti-Israel declarations, referring to Jewish villages and towns in the West Bank and Gaza Strip as the worst type of “war crime” and claiming that Israeli action in defense of its citizens against Palestinian Arab violence amounted to “ethnic cleansing” and “anti-Semitic genocide.” Such vitriolic expressions must be exposed and explicitly rejected prior to and at Durban.

Regrettably, the Durban Conference, which is charged with addressing all contemporary forms of discrimination, racial intolerance, and xenophobia worldwide is being undermined by a single interest group. This Palestinian-driven faction, with support of the Arab states and Iran, seeks to utilize this forum to legitimize bigotry against the Jewish people and attempt to delegitimize Israel. Representatives of some Islamic groups are seeking to put “Islamophobia” on the Conference agenda. Certainly, when Muslims are persecuted because they are Muslims, all people of good will must resist, and the Jewish community endorses the term’s inclusion into the agenda. However, discussions of real anti-Muslim bigotry should not be permitted to deflect attention from anti-Semitism. Unfortunately, we anticipate that the conference may do just that. There may be efforts to minimize discussions of hatred of Judaism and of the Jewish people. Those involved likely will attempt to use the Conference to attack Israel, label it a “racist” state as they did in Tehran. They will inappropriately depict Israel’s daily struggle to protect its people against acts of terror and violence as “criminal”.

It is critical to remember that the United Nations itself arose in part from the knowledge that hatred such as anti-Semitism, which fueled Nazi ideology and sparked the Holocaust that liquidated most of European Jewry, must not be permitted to ensnare mankind in future conflict. However, there are those today—extremist Islamic movements, certain Arab governments, ultranationalist parties in and out of various European parliaments, and neo-Nazi groups scattered throughout the planet—for whom anti-Semitism is part of their ideology, propaganda, and deadly plans.

The threat of déjà vu hangs over the Durban Conference. In the 1970s and 80s, the Soviet and Arab bloc countries hijacked many international fora for anti-Zionist propaganda and anti-Semitism in anti-Zionist packaging. The dozen or more web sites advocating reintroduction of the 1975 UN General Assembly resolution equating Zionism with racism utilize new technology to mimic that old propaganda. It was not until 1991, after years of work by Jewish organizations and intense diplomacy under successive US administrations, that the United Nations General Assembly repealed the Zionism-is-racism obscenity.

But some have never accepted repeal. They include the Palestine Liberation Organization, Syria, Libya, Iraq, and Iran, as demonstrated last year by the attempted denial of nongovernmental organization status for Hadassah, the highly-respected health-care oriented international women’s Zionist group. I would refer the members of the Subcommittee to the testimony prepared by the national president of Hadassah, Bonnie Lipton, and ask that it be included in the record.

Those serious about fighting racism and other forms of intolerance should be alarmed at these developments and prevent the Durban Conference from being commandeered the way the UN General Assembly was in 1975. Anti-Semitism and Holocaust denial/minimalization represent the poison of group hatred in its classic form. Efforts at Durban to marginalize them by subsuming it in the “other forms of intolerance” category or to displace it by attacks on Israel must not be softened or toned down—it must be defeated.

The final preparatory conference—our last line of defense—is underway in Geneva. US administration officials are attending, as are distinguished members of the House of Representatives. Jewish organizations, including B’nai B’rith International, and the Government of Israel are advocating our positions during the meetings as well. We are hopeful that these efforts will bear fruit. We do not wish to see the larger goals of the Durban Conference—that is, the efforts to counter racism, xenophobia, and other forms of intolerance globally—fatally compromised by minimizing the evil and unacceptability of anti-Semitism. The venom and hypocrisy revealed in Tehran and elsewhere must be recognized and rejected.

Accordingly, we urge the United States, in the limited time that remains, to continue its engagement in the preparatory conference in Geneva, which commenced yesterday and runs until August 10, to ensure that the Durban Conference sends

out a message of tolerance and rejection of all forms of racist rhetoric, including anti-Semitic and anti-Israel statements.

Should those countries working in Geneva this week not succeed in eliminating the offensive and patently false text, a grave and unconscionable situation will have been created. This clearly would require a new review of the Durban Conference and its dangers by the President and Secretary of State. Based on experiences that my wife, Phyllis, and I shared in 1985 attending the UN Decade for Women Conference in Nairobi, it would be advisable for any US delegation sent to Durban be an effective one. In Nairobi we witnessed Ambassador Alan Keyes passionately announce: "We reject the obscene notion that Zionism is a form of racism. And we believe that no matter how often that slanderous lie is repeated, no amount of repetition, no amount of reiteration, shall ever lend it any truth whatsoever." Additionally, Phyllis and I observed Maureen Reagan, the chairwoman of the US delegation, issue an ultimatum stating the United States and Israel would walk out of the conference together unless references to Zionism as racism were eliminated. Sure enough, there was no linking of Zionism with racism in the final document.

In the precious short time remaining before the Durban Conference, we urge all member states and nongovernmental organizations to disassociate publicly from bigoted slurs and defamatory statements, reject country-specific references that only serve to politicize the Conference, and acknowledge all human tragedies related to racism, without minimizing or trivializing the unique and tragic acts of the Holocaust.

Twenty years ago, in the Cold War's final hours, we celebrated what was thought to be the demise of the infamous "Zionism is racism" canard and a brighter future in the Middle East. But the hatred never went away. Today, despite the signing of agreements and handshakes, we are witnessing its resurfacing to the detriment of all peace-loving people.

Madame Chairwoman, thank you for calling this important hearing and your work on numerous issues of concern to the Jewish community—notably the pursuit of justice in the AMIA bombing in Buenos Aires and the dangers Israel faces in the wake of the United States being voted off of the UN Human Rights Commission. We look forward to working with you and your colleagues in the days to come.

Ms. ROS-LEHTINEN. Thank you so much.

Mr. Salberg?

**STATEMENT OF MICHAEL SALBERG, CHAIR, INTERNATIONAL
EDUCATION PROGRAMS, ANTI-DEFAMATION LEAGUE**

Mr. SALBERG. Thank you, Madam Chair, Ranking Member McKinney, for the opportunity to address you for a few minutes this afternoon. I understand that my full statement will be in the record, so I will present a summary on behalf of a coalition of leading American Jewish organizations, including the Jewish Council for Public Affairs, the Union of American Hebrew Congregations, the Union of Orthodox Jewish Congregations of America and the World Jewish Congress.

In my role as a national commissioner of the Anti-Defamation League, I am responsible for ADL's international education projects. Building on the success of our anti-bias education and diversity awareness initiatives widely in use in the United States, ADL has developed programs now being implemented abroad in countries such as Germany, Austria, Russia, Israel and Japan.

We are grateful to the Members of this Subcommittee where all religious minorities have always received a fair hearing and we are pleased that you are examining preparations for the U.N. World Conference Against Racism, a forum which sadly may result in Jews being denied a fair hearing.

It is appalling that as we sit together with you today, 53 years after the establishment of the State of Israel and 10 years into serious Arab-Israeli negotiations, the legitimacy of Jewish aspirations for a homeland and of Israel's right to exist are again being as-

sailed, this time in the context of the upcoming U.N. world conference.

There has been progress in the past few years since the end of the Cold War, but despite that progress, despite the laudable principles on which the world conference was initially conceived and despite the good faith efforts of many, as we address you here today, the World Conference Against Racism is in danger of being commandeered by forces cynically promoting efforts to turn back the clock and to endorse hateful, anti-Jewish canards such as "Zionism is racism" in an effort to delegitimize Israel.

We join with you today and with others as we seek to chart a course enabling leaders from diverse groups, each with different vital concerns, to learn from each other and unify around a positive agenda for the Durban conference aimed at combatting racism and fostering diversity in the 21st century.

In recent days, much has been said about the fears for what Durban might become. I would like to focus on our hope for what Durban could and should be.

A.D.L. first decided to participate in the world conference to share our own experience and to present best practices in the fight against racism. Practical programs using the expertise and experience of governments and NGOs can be put to better use if the international community agrees at Durban on principles and actions to support and implement such programs.

We hope the final draft declaration and Program of Action that emerge from Geneva are a model for embracing mutual respect in addressing the issues affecting all minorities. We hope the purpose and integrity of the Durban conference are not degraded, diverted or diluted by the influence of external political agendas or situations specific to one country. Efforts to do so have no place in the fight against racism.

The anti-Israeli provisions put forward by the NGO forum are repulsive and dangerous, but my ADL colleagues and I hope to participate in a conference in Durban that can extend our commitment to fighting racism and expand our shared vision of tolerance that will enable us to reach out to victims of racism who are suffering and to offer them hope.

We agree with the recent observation of Secretary General Annan who said

"We cannot simply shrug off discrimination as an aspect of human nature. We know that people are taught to hate and they can also learn to overcome it through better understanding."

This vision drives us in the work we do and we hope it will shape the world conference. We have shared with each Member of the Subcommittee a copy of a recent ADL publication aimed at helping the youngest victims of racism. This book, entitled "Hate Hurts," helps parents, teachers and those who touch the lives of children to turn the fear and pain of prejudice into the courage to understand that differences in people should be embraced, not rejected.

For the sake of those who live remote from such tools, indeed, for the sake of us all, we commit to working together with partners in the United States and abroad to make the world conference a

credit to the humanity of those united in the fight against intolerance of all kinds.

Thank you.

[The prepared statement of Mr. Salberg follows:]

PREPARED STATEMENT OF MICHAEL SALBERG, CHAIR, INTERNATIONAL EDUCATION
PROGRAMS, ANTI-DEFAMATION LEAGUE

Thank you Madame Chairwoman for the opportunity to address you for a few moments. My name is Michael Salberg, and I am the ADL National Commissioner responsible for the League's international educational projects. Building on the success of our anti-bias education and diversity awareness initiatives widely used in the US, ADL has developed programs now being implemented abroad in countries such as Germany, Belgium, Austria, Russia, Israel, and Japan.

On behalf of a coalition of leading American Jewish organizations dealing with issues of racism and anti-Semitism, we are grateful to the Members of this Subcommittee, where all religious minorities have always received a fair hearing. We are pleased you are examining preparations for the UN World Conference Against Racism, a forum where, sadly, Jews being denied a fair hearing.

Because the history of the Jewish people stands as testament to the need for all peoples to fight against all forms of racism, racial discrimination, xenophobia and related intolerance, we first embarked on participation in this conference to share our own experience and to present best practices in the fight against racism.

As our world has become increasingly interdependent and as individual countries have grown more and more diverse, issues of racism and other kinds of intolerance have become more relevant to every society on earth and the entire global community. Practical programs, using the expertise and experience of governments and non-governmental organizations, can be put to better use if the international community at Durban agrees on principles to support and implement such programs.

Fifty-three years after the establishment of the State of Israel and ten years into serious Arab-Israeli negotiations, the legitimacy of Jewish aspirations for a homeland and of Israel's right to exist should no longer be a subject for dispute. Since the end of the Cold War, events seemed to point to a future of constructive action by the international community, of facilitating reconciliation, rather than exacerbating conflict. The infamous "Zionism = racism" resolution was rescinded and the UN was able to agree on issues such as the arrest of Slobodan Milosevic.

But we are addressing you today because, despite that progress, and despite the laudable goals on which the World Conference was initially conceived, and despite the good faith efforts of many, the process is being commandeered by forces cynically promoting efforts to turn back the clock, to endorse hateful anti-Jewish canards such as "Zionism is racism" in an effort to delegitimize Israel.

You have heard much about language that is divisive, language that is offensive, language that many groups oppose. For your information, I have attached excerpts of the current Draft Declaration which point to the kind of hurtful and counter-productive tone we are talking about, along with a "white paper" outlining key concerns and principles which nine leading Jewish organizations have prepared. The League has also launched a website—www.adl.org/durban—which explains these concerns and serves as an online resource for developments relating to the conference.

The members of this Subcommittee are well aware of the pernicious nature of the "Zionism is racism" charge. The shame it brought on the entire UN and the resulting decline in Americans' belief in the integrity of that institution are only now beginning to fade. Congress and the Administration have been active in fighting the anti-Israel bias which has pervaded the UN and know well how these forums have been used to isolate and exclude Israel.

And so, beyond identifying the problem, we join with you today in the effort to chart a course which will enable leaders from different groups—each with different vital concerns—to learn from each other and unify around a positive agenda for the Durban conference. This agenda should exemplify the conference goals and not single out any religion or nation for vilification.

All of us here are united in our deep commitment to the goals of a UN World Conference Against Racism in which all of the participants can move forward together in the fight against racism. We have heard much about the fears for what Durban might become; I would like to focus on our hopes for what Durban should be.

We hope that, at the upcoming preparatory conference in Geneva, the process of addressing problems with the language that has been proposed can be a model for

embracing mutual respect in addressing the issues of all minorities. This would be a much more valuable contribution to this global discussion than squandering the opportunity to forge a global commitment to combating racism for the sake of a one-sided discussion of the Middle East conflict.

The delicate and vital task of advancing peace in the Middle East and each of the troubled regions of the world—will depend on governments, NGOs and religious leaders working to foster a climate of trust, respect and tolerance that creates an atmosphere in which negotiations can succeed.

We look forward to a conference that can renew our commitment to fighting racism and forge a shared vision of tolerance. We hope its aim and integrity will not be diverted, diluted, or degraded by the influence of external political agendas or situations specific to one country. These efforts have no place in the fight against racism and threaten to undermine the important work of this conference. Any examination of the scourge of racism which maligns ethnic movements like Zionism as inherently racist is a sham. The UN High Commissioner for Human Rights and Co-Chair of the Conference, Mary Robinson has warned against using the conference to revive this charge.

At a time when there is potential for reemerging conflict between developed and

the enjoyment of fundamental rights, and call for the cessation of all the practices of racial discrimination to which the Palestinians and the other inhabitants of the Arab territories occupied by Israel are subjected];

62. [We are convinced that combating anti-Semitism, Islamophobia and [Zionist practices against Semitism] is integral and intrinsic to opposing all forms of racism, stresses the necessity of effective measures to address the issue of anti-Semitism, Islamophobia and [Zionist practices against Semitism] today in order to counter all manifestations of these phenomena;]

63. [We recognize with deep concern the increase in anti-Semitism and hostile acts against Jews in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas concerning the Jewish community.] [The World Conference recognizes with deep concern the increase of racist practices of Zionism, anti-Semitism in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas, in particular, the Zionist movement which is based on racial superiority;]

112. We are conscious that humanity's history is replete with terrible wrongs inflicted through lack of respect for the equality of human beings/through lack of recognition of human dignity and rights manifested through [wars], [military occupation by settlement] [and settlement policies], genocide, slavery, in particular, the transatlantic slave trade, holocausts, [colonialism], apartheid, ethnic cleansing and other atrocities, and we salute the memory of their victims [and we understand/acknowledge the quest] of/recognize the right of the victims and their heirs for justice, dignity, respect and correction of, and compensation for, the historical wrongs and their continuing consequences of ~~historical wrongs~~ [We call for open national and international dialogue as required to address these concerns;]

114. [We recognize that States which pursued policies or practices based on racial or national superiority, such as colonial or other forms of alien domination or foreign occupation, slavery, the slave trade and ethnic cleansing, should assume the responsibility therefore and compensate the victims of such policies or practices;]

UN WORLD CONFERENCE AGAINST RACISM—TALKING POINTS

Background

As part of the preparatory process for the UN World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, inappropriate and hateful language has been proposed for inclusion in the draft concluding documents of the 190-nation intergovernmental Conference and the related non-governmental forum. These documents will lay out principles and policy guidelines to serve as a universal map for future generations in addressing the issue of the eradication of racism and other intolerances. Tragically, this process is being misused by some to isolate Israel, denigrate the Holocaust, and promote discredited anti-Jewish, hateful-canards such as "Zionism is racism." We call on like-minded organizations and individuals to rally around the unifying mission of this conference and to reject attempts to pervert the mission, and thereby politicize and undermine the conference.

Basic Principles

1. *We strongly support the goals of the United Nations World Conference Against Racism ("WCAR") and urge governments and non-governmental organizations to vigorously engage in the process in order to preserve the integrity and mission of the World Conference.* This conference set out to look beyond defining racism and toward building effective mechanisms to combat racial and other discrimination and promote tolerance, justice, and understanding. It can potentially provide an important opportunity to move beyond the past—toward a shared vision of equality and justice. The WCAR is also vital in the dawn of the 21st century when modern forms of slavery and racism compel a humanitarian response. This goal must not be diverted or influenced by external political agendas or situations specific to one country, either in a negative or positive manner.

2. *We urge WCAR participants to ensure that the conference not be used to advance hatred and misunderstanding.* Divisive and offensive efforts to criticize Israel and to resurrect the old, discredited "Zionism=racism" language have no place in the fight against racism and threaten to undermine the important work of this conference. There is no place in a productive, universal dialogue about the scourge of racism for mislabeling ethnically identified movements like Zionism as inherently racist. Rather than isolate only one country and people in the whole world—Israel and the Jewish people—in a hateful manner that advances racism, we should all work together to fight against intolerance of all kinds.

The concept of 'Zionism—the national self-determination movement of the Jewish people—as racism' was repudiated by the United Nations a decade ago. Indeed, Resolution 3379 has been described by Secretary General Kofi Annan himself as the "low point" in United Nations history whose negative effect on the organization is felt even today. In the words of Nobel Prize Laureate

Reverend Dr. Martin Luther King, Jr.: "*When people criticize Zionism, they mean Jews . . . Anti-Zionism is inherently anti-Semitic and ever will it be so . . . and what is anti-Zionism? It is the denial to the Jewish people of the fundamental right that we justly claim for the people of Africa and freely accord to all other nations of the globe. It is discrimination against the Jews, my friend, because they are Jews. In short, it is anti-Semitism.*" (From M.L. King Jr., "Letter to an Anti-Zionist Friend,"—Saturday Review—XLVII (Aug. 1967), p. 76. Reprinted in M.L. King Jr.,—This I Believe: Selections from the Writings of Dr. Martin Luther King Jr.—(New York, 1971), pp. 234–235.)

3. *Efforts to single out Israel, vilify Zionism and promote anti-Semitism run contrary to the intergovernmental understanding that the Conference goals are best served by omitting country-specific references.* Singling out Israel for criticism in the concluding documents of the WCAR would undermine the goal of nations coming together with a unity of purpose to eradicate racism. It politicizes the WCAR, abuses its humanitarian mission, and diverts focus away from the victims of racism for whom this conference can offer hope. It would be tragic to squander the promise of progress that the WCAR can provide for the sake of a one-sided debate on just one of the worlds' many political conflicts. Further, the delicate and vital task of advancing Middle East peace is ill served by using this Conference to criticize one side only. Israel-Palestine negotiations can and should proceed only among the parties themselves and will not be decided within the context of a conference about racism and intolerance.

4. *The WCAR must capture the magnitude of human tragedy using the most powerful language possible while promoting universal recognition for the unique effect of individual suffering. Horrific genocide and slavery has been visited upon groups, including the Jews during the Holocaust, and this must be acknowledged appropriately. The prioritization or comparison of victimization will discredit the somber and crucial-goals of the WCAR.* The Holocaust and its lessons can be a model for all nations about the need to speak out against injustice and hate crimes and the value of remembrance, reconciliation and combating hatred. We can and must acknowledge all suffering without diminishing the uniqueness of the Holocaust. Just as the term Apartheid describes circumstances specific to South African experience, the Holocaust refers to a unique event, an attempted extermination of an entire people through the Nazi regime's "final solution." This in no way devalues the atrocities perpetrated and the suffering inflicted on all victims of racism, racial discrimination, xenophobia and related intolerance.

The lessons learned in following this century's great human tragedies are important examples to cite. Such events as the Holocaust, the Cambodian genocide, the Rwandan genocide, and ethnic cleansing in Bosnia have resulted in new universal principles that have advanced international humanitarian and human rights law and international standards. Member states must draw upon the lessons from these events to develop new means to address the global threat of racism, racial discrimination, xenophobia, and related intolerance.

Recommendations

In keeping with the mission and the spirit of the WCAR, we call on member states, non-government organizations, and individuals of goodwill to:

- Vigorously engage in the upcoming PrepCom in Geneva, from July 30- to August 10, to make the conference a celebration of tolerance and a rejection of anti-Jewish, anti-Israeli, and all other forms of racist rhetoric.
- Publicly disassociate from the spread of anti-Jewish slurs during negotiations, discussions, and all proceedings of the Preparatory Meetings and the World Conference Against Racism.
- Go on record in Geneva, in capitals, and at the WCAR in Durban by calling for a World Conference and documents that reject hate-filled and defamatory statements such as the allegation that "Zionism is racism."
- Reject country specific references that only serve to politicize the Conference.
- Acknowledge all human tragedies related to racism, without minimizing or trivializing the Holocaust but focusing on lessons learned from it. Recognize the uniqueness of the Holocaust, as an unparalleled government-sponsored design to exterminate a people. Also recognize other genocides and mass op-

pression in their ability also to guide member states for the goal of promoting tolerance. In this light, responses to the Holocaust such as global education efforts, confronting Holocaust denial can be models for genocide prevention efforts.

- Recognize anti-Semitism as a specific continuing form of racial discrimination, (as defined by United Nations norms), which includes components of racism and religious intolerance against Jews, and reject attempts to redefine or generalize the term.

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Prepared by the U.S. WCAR Working Group

American Jewish Committee

Anti Defamation League

B'nai B'rith

Conference of Presidents of Major American Jewish Organizations

Hadassah, The Women's Zionist Organization of America

Jewish Council For Public Affairs

NCSJ: Advocates on behalf of Jews in Russia, Ukraine, the Baltic States & Eurasia

Religious Action Center of Reform Judaism

Union of Orthodox Jewish Congregations (OU)

Ms. ROS-LEHTINEN. Thank you so much for excellent testimony. I am sorry I was not here for most of your verbal testimony, but I did have the opportunity to read it last night in a written form.

Rabbi, what do you believe that the U.S. Congress can do now and until the conference to help develop the positive and constructive dialogue to curtail anti-Semitic attacks?

What can the U.S. Congress do beyond the world conference to curtail the growing threat of anti-Semitism and the accompanying hostile rhetoric and actions?

Rabbi HIER. Well, I think that the Congress by holding hearings has already done in a sense more than the world conference was willing to do on the subject of anti-Semitism, by clearly having a hearing and having people express these views so that there is an opportunity of our citizens to know about these issues. And I think the Congress should exert moral pressure on the Administration and on our friends and allies that they should not allow the world conference to be hijacked.

Despite what we may think and despite the fact that the United States was kicked out of the U.N. Human Rights Commission, the United States has a lot of stature all over the world and if Members of Congress seek out our allies and friends around the world and vigorously protest this hijacking of what is a very important world conference, I think the Congress could do a very important service to all of us and to the entire world.

Ms. ROS-LEHTINEN. Following up on that, and maybe I will ask the rest of the panelists as well, whomever would like to answer, what has been the impact, do you believe, of the U.S. removal from the U.N. Commission on Human Rights on the recent PrepComs and the related discussion toward the conference?

How do you think the removal of the U.S. from the Human Rights Commission will affect the growing anti-Semitic trend and the peace process in general?

Anyone could answer.

Mr. HEIDEMAN. At the same time as the United States has been barred from voting at the U.N. Commission on Human Rights, Syria comes onto the security council. It makes no sense and it

sends a great signal of danger, it seems to me, the very kind of danger we are seeing as we head into Durban.

There is an attempt to minimize the Holocaust, to trivialize the unique, horrific tragedy and memory of the Holocaust as we head toward this conference.

The United States, notwithstanding the fact that it does not vote today on the U.N. Commission on Human Rights, must stand up on that issue.

In addition, we have seen clear attempts to take the term anti-Semitism and make it appear as though that does not mean anti-Jewish, but rather make it appear as though all language that may be against all Semites constitutes anti-Semitism. It is a debasement of the use of the term. It cannot be countenanced by this country.

Therefore, it seems to me, Madam Chairwoman, that the symbol of treating Israel all alone and now adding the United States to essentially be seen as a pariah instead of as the greatest world leader for human rights, notwithstanding our failings, is indeed a sign to us of the dangers that are ahead, not only at this conference, but at the U.N. itself and we must therefore, in my judgment resolve that in this country we will unify on the issues before us and that we will determine a clear, precise agenda and a concise agenda in relation to the United Nations and that we will then go for it on those key points.

The World Conference Against Racism must be the first and next agenda that we address because we cannot be an innocent bystander, we must be proactive to make up for not only our loss of vote, but for those who choose to take voice away from the United States, because of our support for Israel as the only democracy and the main ally of the United States in the Middle East. We cannot permit that to occur and we must therefore be proactive.

One way to be proactive is to see to it that in Geneva we work hard to change the document or to provide substitute language and that at Durban to the last moment we work hard together to take out the offensive language that is now being targeted for insertion and see to it that not only we, the Jewish people, but we, the American people, are not permitted to be minimized in that document and in the eyes of the world.

Thank you.

Ms. ROS-LEHTINEN. Thank you.

Mr. Salberg?

Mr. SALBERG. I would simply add that I think it is essential the Congress remain engaged. I think the results of the vote on Congressman Lantos' and Hyde's resolution yesterday sends a message about the commitment of the Congress. I think the United States, whether it participates or does not participate, is still a singular power in the world and will have an effect and we need to continue to try and do as much as we can, remain engaged and hopefully come up with a result that will make the conference successful.

Ms. ROS-LEHTINEN. Rabbi, let me ask you this. It is critical for all groups who are the victims of racism and other forms of intolerance and discrimination to work together toward achieving the true goal of the conference, which is tolerance, understanding, respect

for diversity and a course of forward thinking action that will help bring an end to human rights violation.

To that extent, please elaborate on your efforts with the other gentlemen and the other groups they represent on your efforts and your work with other groups, be it human rights organizations, advocacy groups, NGOs, foreign governments, to help achieve this goal.

Rabbi HIER. At the Simon Wiesenthal Center and the Museum of Tolerance, which is probably the only museum of its kind in the world, we are involved in the issue of racism in a very direct manner. We train 40,000 police in sensitivity training. We train 16,000 public school teachers on the issue of racism. We are opening a training facility in Manhattan in 2002 in addition to our facility that we have in Los Angeles. We are also building a very large facility on tolerance in Jerusalem.

So we are very much involved on the issue of tolerance across the board as it affects people of diverse religions, cultures and races. And it seems to me that Pastor Martin Neimoller's remarks—I heard the distinguished congresswoman's remarks regarding the importance of racism, and I want to say something, it is a terrible thing if racism would be deflected, it should have the opportunity at this world conference, where the whole world is focused on it, but Pastor Martin Neimoller once said about the rest of the world, for example, gathering and allowing one community to be left out, and he said during the Hitler years,

“When they came for the trade unionists, I did not protest, because I was not a member of the trade unions. And when they came for the Catholics, I didn't protest because I wasn't Catholic.”

Then he said

“When they came for me, there was no one left to protest.”

So the issue is if the conference is going to spend all of its time in Israel, it is not clear that the rest of the world does not have a stake in it. When there is a hole in the boat, the whole boat goes under.

Mr. HEIDEMAN. Yes. Thank you very much. As I mentioned earlier, B'nai B'rith International was established in 1843. One of the Presidents of B'nai B'rith participated in the establishment of the American Red Cross. We are truly the oldest service organization in this country and it is service and good deeds, equality, justice and truth to which we have been committed our entire existence.

More than 100 years ago, we established the National Jewish Hospital in Denver. In 1913, we established the terrific Anti-Defamation League of B'nai B'rith.

We established the B'nai B'rith Hillel Foundations, now on more than 440 college campuses both in the United States and growing around the world.

We established the B'nai B'rith Youth Organization which has provided leadership training for more than a million Jewish teenagers in the United States, some of whom have gone on to become members of this body and governors and mayors and leaders of

business and industry in all walks of life, including charity and participating in community organizations.

Leadership training has been our hallmark, but doing the right thing has been our watch word. We were there every single moment involved in the civil rights movement in this country, in opening the doors from the Soviet Union so Jews could come out and breathe free air.

We are the largest Jewish provider of federally subsidized through HUD housing for seniors in this country. And in the last year, in response to violence that we have seen in our communities and in our schools, we established a program acclaimed by the White House and most recently acclaimed by governors and mayors entitled "Enlighten America" now expanded to be known as "Enlighten America, Enlighten the World."

It is our commitment to truth, to justice, to equality and to civil and to human rights that brings us here today and keeps us committed in staying focused on the issues before us. There remains a huge agenda.

There are those, I believe, who would very much like to see the commonality, the power, the focus of the African-American community in this country and the Jewish community in this country be divided. We reject that division. We believe there are important issues to address in the future that have not been properly addressed in the past.

There can be no revision of history. There must be a reconciliation with history and there must be memory on behalf of those who perished.

It is in their memory that we are here. It is in the continuing commitment to civil and human rights that we will go on to Durban and that I will have the privilege of leading the B'nai B'rith delegation to Durban in cooperation with other Jewish organizations.

We look forward to meeting that challenge and we will not rest until the last word has been corrected.

Thank you very much.

Ms. ROS-LEHTINEN. Thank you.

Mr. Salberg?

Mr. SALBERG. As Mr. Heideman mentioned, since 1913, the Anti-Defamation League has had as its mission stopping the defamation of the Jewish people and seeking an end to hatred, bigotry and intolerance in all of its ugly forms and in the past several years, our focus has been on our educational efforts and we have seen that grow, as I mentioned in my remarks, internationally in many countries and we see Durban and world conferences and engaging with governmental and non-governmental organizations as a way of multiplying the positive effects.

As we talk about how children can learn, prejudice and hate, we talk about how it can be unlearned. That is our educational goal in the United States and throughout the world. It is a long, hard, difficult process that starts with one person at a time. We are committed to continuing that process wherever the evils of hatred and bigotry are to be found.

Ms. ROS-LEHTINEN. Thank you so much for your answers and your questions and your testimony.

Ms. McKinney?

Ms. MCKINNEY. Thank you, Madam Chair. I really do not have—maybe I have one question.

I would like to thank Rabbi Hier for giving a very strong testimony and, Mr. Heideman, yours was very passionate. I always appreciate hearing strong and passionate testimony because it is not something we get up here all the time. We get folks weaving around and running away from words and all kinds of things. I just like for folks to just, you know, lay it on the line and tell it like it is, at least tell it like they see it, to help us understand.

Mr. HEIDEMAN. Thank you.

Ms. MCKINNEY. Thank you. But I do have a problem for Mr. Salberg which really does not have anything to do with the World Conference Against Racism, but maybe in a way it might have something to do with racism, it certainly has something to do with communication and our understanding.

I guess about 4 years ago Jane Fonda was forced to apologize to then-governor Zell Miller of Georgia for some words that she said and the apology took me aback because I could not believe that she would apologize for telling the truth, but basically what Jane Fonda had said was that there is poverty in America and that there is poverty in Georgia and that poverty is as bad as you can find in some third world countries.

So I pick up the phone and I call Jane Fonda and I say why in the world are you apologizing for telling the truth and basically she said that it was something that she needed to do to maintain good relations with the state.

And I understand that, but we wanted to get our side of the story out, so we called a journalist who happened to be with AP, I believe, and we took her into the old 11th District of Georgia. That was a district that was drawn—it was 64 percent black, it was drawn so that people who had never, ever been represented by their congressional representative in Washington, DC could feel like they had representation.

I ran for that district in 1992, I was sworn in in that district in 1993 and it is on the shoulders of the people of the old 11th District that I sit here in this body today. But those people in the old 11th District were among the poorest people in our state, which is a poor state, in Georgia.

Well, at any rate, we invited the journalist to go down and we took her on a tour and when she came back she had tears in her eyes because she did not believe that Americans still lived that way, but in the old 11th Congressional District of Georgia I was able to go into Hyde Park in the City of Augusta and find people who had never, ever, ever before been able to reach out to anybody who had any kind of power and say to the authorities there you will respect these people, you will provide sewerage for these people and that they will have their environment cleaned up. They were dying, there were hundreds of people who had died from arsenic keratosis, they had been contaminated by their environment.

We got the CDC to go into that community and put a health care facility there and today those people are at least being treated. We need to get them out of there, but at least they are being treated.

We went into that district and found that there was a city called Union Point in Green County, Georgia where they outlawed young black kids. They said we do not want you to come downtown, do not come downtown, you are troublemakers, do not come downtown Union Point.

We went in there and we confronted our constituents, the white constituents and said this is wrong, at least let your black folks look you in the eye.

We went to Skrebin County and we found a public school system that was divided in one building, a black school system and a white school system. Black kids, white kids. Black prom, white prom. And young black boys over at the Psycho Ed Center hopped up on Ritalin.

We turned the Skrebin County Public School System in to the U.S. Department of Education Civil Rights Office and I am thankful to say that Bill Clinton's Secretary of Education, Richard Riley, acted promptly and put that school system under heavy Federal manners.

In Twigs County, the President of the local NAACP was railroaded on election day on hopped up charges of assaulting a dog. But what had happened was that Twigs County is in the middle of nowhere, in the middle of nowhere, Georgia. And all of a sudden because the people in Twigs County, Skrebin County, Green County looked up and saw that they had an opportunity to cast a vote for someone who cared about them finally, they woke up and said, well, maybe we can run for mayor, maybe we can run for sheriff, maybe we can run for county commission, maybe we can actually be somebody.

That was the district I represented and the Anti-Defamation League filed an amicus brief with five white citizens to dismantle that district and take away the only representation that those people in the middle of nowhere, Georgia had.

Can you explain to me why the ADL would take the side of five white racists? We even had one mayor of a small town, we had unity meetings that we would go to, we would call out, so we could bring the blacks and whites together. People do not believe it. It still happens. In the south, in Georgia, it still happens. And the mayor said you done good because you even brought out the segregationists.

We were working very hard to try and make a difference, to try and bring folks together, even in Georgia. And the Anti-Defamation League filed an amicus brief to dismantle the district.

Can you please tell me why?

Mr. SALBERG. Congresswoman McKinney, needless to say, it is certainly beyond the scope of what I was prepared to address today. I am not personally familiar with the issues and I am not personally familiar with the legal principles that were at issue in that case.

I will undertake, when I leave here, to get you an answer as to what this was about and I will respond to you.

Ms. MCKINNEY. Thank you very much. Because I have to——

Ms. ROS-LEHTINEN. If the congresswoman would yield——

Ms. MCKINNEY. I still deal with——

Ms. ROS-LEHTINEN. The whole Subcommittee would be interested in that response, if you could copy us as well, if that would be okay.

Ms. MCKINNEY. Yes. It was the first time—

Mr. SALBERG. I certainly will, Madam Chair.

Ms. MCKINNEY [continuing]. Black farmers, the whole black farmer issue, the '65 Voting Rights Act has been irrevocably changed as a result of *Johnson v. Miller*.

Anyway, I will not go on, but I have a little passion, too, for people who have been left out. That is the only reason I am here. And I want your help. I want to join in partnership. But we cannot join in partnership if you are going to lop off the opportunity of African-Americans who live in direct, dire, abject poverty to be able to walk down the street and look at their white counterpart in the eyes and think I am a man.

Thank you, Madam Chair.

Ms. ROS-LEHTINEN. Thank you very much.

Mr. Tancredo?

Mr. TANCREDO. Thank you, Madam Chairman. I would simply ask Rabbi Hier if there are any other parts of his testimony—I had to interrupt you during your opening remarks and I would be more than willing to provide you with part of my 5 minutes here if there are any other issues that you wanted to address that you feel you were not able to.

Rabbi HIER. No. The rest of—

Ms. MCKINNEY. I apologize if I had anything to do with that, I am sorry, Mr. Tancredo, when I came in.

Mr. TANCREDO. No, no, Madam Chairman. It was just—it was going over and I had to just—

Ms. ROS-LEHTINEN. Okay. I am sorry.

Rabbi HIER. That is fine. The rest of it in my remarks I will submit for the record in the interests of time.

Mr. TANCREDO. That is fine. Thank you. And I have no other questions.

Ms. ROS-LEHTINEN. Thank you so much.

And we thank the panelists for being here with us. Thank you so much.

I especially want to thank the incoming panel, Panel 3, for their patience. I know that many of them have traveled far and I apologize for the lateness of the hour.

I would like to introduce them now with some brief biographical information of Panel 3.

Roger Wareham is with the International Secretariat, which is the international arm of the December 12th Movement. The organization defends the human rights of people of African descent and other people of color in the United States. The International Secretariat has been heavily involved in organizing the U.N. World Conference Against Racism and plans to take 400 people of African descent from the U.S. to Durban, South Africa for the conference in August.

Thank you, Mr. Wareham, for joining us today.

Mr. WAREHAM. Thank you.

Ms. ROS-LEHTINEN. Next will be Ray Winbush and he is Benjamin Hooks Professor of Social Justice at Fisk University in Nash-

ville, Tennessee where he also directs the Fisk University Race Relations institute.

In 1997, Dr. Winbush initiated the Holdings Project, a long-term initiative designed to preserve valuable, one-of-a-kind historical records and artifacts that document the early African-American experience. During that same year, Dr. Winbush started a national dialogue on race, based on a grant from the Kellogg Foundation.

Thank you, gentlemen, for joining us today. Your entire statement will be made a part of the record. Please feel free to summarize your remarks.

We have a vote, perhaps if we could have Mr. Wareham do his testimony before we go to a vote.

Thank you so much.

**STATEMENT OF ROGER WAREHAM, INTERNATIONAL
SECRETARIAT, DECEMBER 12TH MOVEMENT**

Mr. WAREHAM. Thank you very much. Madam Chair, Ranking Member McKinney, Representative Tancredo—

Ms. ROS-LEHTINEN. And we thank Congressman John Conyers for being here today.

Thank you so much, John.

Mr. WAREHAM. And Representative Conyers. My name is Roger Wareham. I am a human rights attorney and a member of the December 12th movement and an African man who was born and raised in the United States of America and on behalf of my organization and myself, I thank you for the opportunity to address the Subcommittee.

We have been actively involved in the United Nations since 1989 and have been involved in organizing around the World Conference Against Racism from its inception and have attended preparatory meetings in Geneva, Switzerland, Santiago, Chile, Addis Ababa, Ethiopia, Atlanta, Chicago, Johannesburg, South Africa, Honduras and Washington, DC, among other places.

One cannot appreciate the importance of the U.N. World Conference Against Racism without some history. U.N. world conferences in general focus international attention on a particular issue. This world conference is significant because the topics of racism and racial discrimination are inextricably intertwined to U.S. history and to U.S. current reality.

The insidious imprint of racism can be seen from this country's inception. We need only look at its most important document, the U.S. Constitution, which assessed an African human being as being three-fifths of a person for purposes of determining the votes allotted to slaveholders.

Race and racism are unfortunately not historical footnotes. Every day, the media in this country report on contemporary manifestations of racism in parts of the U.S. and I will skip some of the particularities, although I do want to mention that in the midst of the racial rebellions of the 1960s, the Kerner Commission reported that the U.S. was "two societies, one black, one white, separate and unequal."

Thirty years later, in 1998, the Eisenhower Foundation did an update on the Kerner Commission report and found that there had

been no fundamental change in this reality. Our own research bears this out.

If you look at the significant indices that affect the black community and the white community in this country, one would have to conclude that we were talking about the differences between a developed and developing country. It is with an understanding of this reality that we must assess the positions taken by and conduct of the U.S. in relation to the World Conference Against Racism and I am sorry that the members of the State Department are no longer here because some of the things I am going to speak about are in direct contradiction to some of the things that Mr. Wood and Steve Wagenseil testified.

In doing so, we must first acknowledge the importance of the role played by the U.S. inside of the United Nations. Within the U.N. system, the U.S. portrays itself as a model of democracy and human rights to which the countries of the world should aspire, so that the decisions it makes often have a disproportionately wide effect.

During the 1990s, the U.N. held three major international human rights gatherings: the World Conference on Human Rights, the World Summit on Social Development and the World Conference on Women in Beijing, which I am sure most of the people here are aware of.

In December 1997, the U.N. General Assembly reluctantly agreed to hold the World Conference Against Racism. I say reluctantly because the United States and the other Western European countries whose United Nations designation is the WEO Group, Western European and Others, the others being the United States, Canada, Australia and New Zealand, opposed holding a World Conference Against Racism. They raised feeble excuses which were eventually overcome by the reality of the increasing spread of racism and racial discrimination around the world.

The U.N. had previously held two world conferences on racism and racial discrimination in 1978 and 1983 which were alluded to by the previous witnesses. Those conferences focused solely on racism and racial discrimination. In order to compromise and get western support for this one that was proposed in 1997, the scope of the conference was expanded to include the themes of xenophobia and related intolerance. Yet even with this broadened mandate, the United States was absolutely the last country in the United Nations to agree to hold the World Conference Against Racism.

Once world conference had been approved, the December 12th movement identified three issues as crucial to the success of what the United Nations described as an action-oriented world conference. The first was the declaration of the trans-Atlantic slave trade and slavery as a crime against humanity. The second was reparations for African people on the continent of Africa and in the African diaspora. The third was to understand and acknowledge the economic base of racism.

We picked those three issues because they went to the economic root and motivation for our kidnapping and enslavement, established international recognition of our humanity and historically unprecedented crimes we had been subjected to, provided for the

40 acres and a mule that none of the original victims or their descendants and continuing victims of racism and slavery had ever received, and explained why the ideology and practice of racism persists to this day.

The position of the United States in regards to the world conference has been described by one African diplomat as "intransigent." Apparently, it is these three issues which have created this intransigence.

In May of 2000, Ambassador Betty King, who headed the U.S. delegation to the first preparatory committee meeting and who, incidentally, is a black woman, told the delegates to the PrepCom that the United States officially objected to the issue of compensatory relief which is a U.N. term that includes the question of reparations being even considered as a theme of the world conference. She offered no explanation for the stance that was taken.

Since that time, the United States-led western opposition to this point has stalled the process of preparation for the world conference. We are now 4 weeks away from the opening of the world conference and that issue has still not been resolved.

Steven Wagenseil spoke of the United States participation in the PrepCom in Santiago, Chile, which I attended. The United States and Canada took extraordinary steps in an obvious effort to ensure that the PrepCom in Santiago, which normally was supposed to be a PrepCom of the Caribbean and Latin American countries, not the United States and Canada, who normally participate in the Western European PrepCom, the United States and Canada went to the PrepCom in Santiago with an obvious agenda of preventing a strong declaration on the three issues that I spoke about before being taken.

They did not attend the Western European PrepCom, they came to the Santiago PrepCom, they took the position that they could not agree on any language that spoke to the trans-Atlantic slave trade as a crime against humanity, that spoke to the issue of reparations and they proposed language which was weaker and that they put forward as language that a consensus could be reached on by all of the countries.

At literally the last minute, and Ray Winbush can testify, of the last meeting, the United States and Canada said that they could not agree to the language that they had put forward, but that was the language that came out on the Santiago declaration, which was definitely weaker than what it would have been had not the United States and Canada gone down and very disingenuously participated in that PrepCom.

The United States tried to do the same thing at the African PrepCom in Dakar, Senegal. They got an advance copy of the language that was being proposed for Dakar, the same diplomat at a public meeting in New York that I attended said that the United States was so appalled by the inflammatory language of the proposed language coming out of the African PrepCom that they went to Dakar with the intent of getting the African countries to tone their language down.

Mr. TANCREDO. [Presiding.] Mr. Wareham, because we are approaching 5 minutes for us to vote and because we have been very liberal in the past in the enforcement of the time for testimony, I

am going to recess the Committee and let you continue when we come back, if that is all right with you because we do have to get over there.

Mr. WAREHAM. Fine. Thank you.

Mr. TANCRED. Let us try to reconvene at 6. I think there is one more vote, I am just told there is a vote after this, so we will reconvene at six and you can continue, all right?

Mr. WAREHAM. Thank you.

Mr. TANCRED. We are in recess.

[Recess.]

Ms. ROS-LEHTINEN. The Subcommittee will please come back.

Mr. Wareham, I think you were finishing your statement. Is that true?

Come on over. Thank you.

Mr. Wareham, please continue.

Mr. WAREHAM. I was addressing some of the obstructionist tactics that the U.S. had employed in terms of organizing and why at this point in time 4 weeks from the conference there is still not an agreed-upon draft declaration.

Another aspect is that the WEO group, the Western Europeans, and other groups which is obviously the richest in the world, has used money, or the lack of it, as a tool of disruption.

The amount of funding they have provided for the world conference in comparison to what it provided for the three world conferences in the 1990s is minuscule. The United States in particular, for example, contributed \$6 million to the World Conference on Women in Beijing and was attended by President Clinton's wife and to this point has contributed \$250,000 to the World Conference Against Racism.

There have been parliamentary tactics that have been used to stall the process and there have also been—some of it is becoming more clear this past weekend after the State Department briefing on Friday, the mantra that any instances on the issue of crimes against humanity and reparations will derail the conference and make it a failure.

The United States has continued to repeat that mantra in an attempt to get the countries that do support it, which is a majority of countries, to back down from the positions that they have taken. That is the mantra of forward-looking.

In May 2001, the United States circulated a demarche to countries around the world to secure their support for the forward looking approach, the forward looking approach meaning that it be forward looking and not looking backwards at all. The demarche came with a non-paper which expanded on this same theme.

The overt acts of pressure have been accompanied by the use of covert threats of dire economic consequences to those parties which do not bend to the U.S.'s will. Those are calls from the White House to the heads of countries questioning their support of the bill, with veiled references to that it would be in their interest to do so.

In sharp contrast to the publicity provided the Women's Conference in Beijing, the U.S. has given no publicity to the World Conference Against Racism.

I take issue with what Mr. Wagenseil said or Mr. Wood about these meetings that have been held around the country. A week or two before the first PrepCom in May 2000, the President belatedly convened a White House Inter-Agency Task Force on the World Conference against Racism. That task force held five meetings around the country, most of which were by invitation only, that were not open to the public.

Despite calls from people across the United States, the government refused to convene a national meeting to prepare for the World Conference Against Racism.

Such a meeting could have been an important vehicle, it could have been an expansion on the type of hearing we are having today and it could have been an important vehicle to bring a necessary discussion front and center to the national stage, so that the 21st century might be different than the preceding one as presciently described by the great historian and activist W.E.B. DuBois, who in the 1900s, said "The problem of the 20th Century will be the problem of the color line" and unfortunately as we enter the 21st century that problem has not been resolved.

In conclusion, the United States of America is a country whose population is rapidly becoming a non-white majority. The U.S.A. has certain responsibilities in the world and in the United Nations. One is to be true to its history. It has an obligation to take whatever steps are necessary to ensure the highest quality of life to all of its citizens and residents. It cannot do so if it denies its history and its current realities.

We cannot move forward without resolving the open issues of the past which still resonate today. There must be repair to the injured before there can be progress for the whole.

It is from this perspective that we urge the Subcommittee to use its influence to ensure that the United States withdraw its opposition to a discussion of the issues of compensatory relief and reparations, the trans-Atlantic slave trade and slavery as a crime against humanity and the economic roots of racism.

And I would add and it is not included in my written text but I hope it will be included, based on the comment made by Mr. Wood that the United States' reluctance to deal with or refusal to deal with the question of reparations is because there has been no consensus on that issue, I would add that obviously they have not spoken with the NAACP, they have not spoken with the Urban League, they have not spoken with representatives of the 40 million people of African descent in this country, but I would ask that this Subcommittee propose that in order to resolve that and to establish that there is a consensus that a national referendum on the issue of reparations be called for in the year 2002.

Thank you.

[The prepared statement of Mr. Wareham follows:]

PREPARED STATEMENT OF ROGER WAREHAM, INTERNATIONAL SECRETARIAT,
DECEMBER 12TH MOVEMENT

Madame Chair, Members of the Sub-Committee, Members of Congress and the Public

PERSONAL AND ORGANIZATIONAL BACKGROUND

My name is Roger Wareham, I am a human rights attorney, a member of the December 12th Movement International and an African man who was born and raised in the United States of America. On behalf of my organization and myself I thank you for the opportunity to address the Sub-Committee.

The December 12th Movement is an organization of African people born in the struggle against racism in the US. It takes its name from a statewide demonstration held in Newburgh, New York on December 12, 1987. That rally was called to protest a tide of racist killings, beatings, harassment that had been directed against Blacks and Latinos by police officers and/or racist mobs/individuals across New York State. The groups which came together that day called themselves the December 12th Coalition. Those that continued working together eventually became the December 12th Movement. The December 12th Movement has several constituent organizations. The one primarily responsible for international work is known as the December 12th Movement International Secretariat (IS). I am also the International Secretary-General of the International Association Against Torture, a non-governmental organization, which, along with the International Secretariat, has consultative status with the United Nations.

We have been actively and officially involved in the United Nations since 1989. However our experience in the international arena predates that. Many of my colleagues and I were founders and members of the African Liberation Support Committee, begun in 1972 to provide material support to those African colonies fighting for national liberation.

We have been closely involved in the World Conference against Racism from its inception and have attended Preparatory Meetings in Geneva, Santiago, Addis Ababa, Atlanta, Chicago, Johannesburg, Honduras and Washington, D.C.

BACKGROUND ON UN WORLD CONFERENCES

One cannot appreciate the importance of the United Nations World Conference against Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance without some history. United Nations World Conferences in general focus international attention on a particular issue. This World Conference is significant because the topics of racism and racial discrimination are inextricably intertwined to United States history and United States current reality.

The insidious imprint of racism can be seen from this country's inception. We need only look at its most important document, the US Constitution, which assessed an African human being as being 3/5s of a person for purposes of determining the votes allotted to slaveholders.

CONTEMPORARY RACIAL REALITY IN THE US

Race and racism are unfortunately not historical footnotes. Every day the media in this country report on contemporary manifestations of racism in parts of the U.S.—increasing segregation in housing and education, disparate racial rates of incarceration for Black men, mistreatment in the criminal justice system, lower quality of health care treatment for Black women than white. In the midst of the racial rebellions of the 1960s, the Kerner Commission reported that the US was “two societies, one black, one white, separate and unequal.” 30 years later, in 1998, the Eisenhower Foundation did an update on the Kerner Commission report and found that there had been no fundamental change in this reality. Our own research bears this out. In our thirteen years at the UN the December 12th Movement has closely studied the statistics issued by the US government. When one looks at the quality of life indices of Blacks in relation to whites in the US—health, life expectancy, infant mortality, quality of education and health care, rates of incarceration, wealth, unemployment—one would have to conclude that we were talking about the differences between a Developed and Developing country.

US PARTICIPATION IN THE WCAR

It is with an understanding of this reality that we must assess the positions taken by and conduct of the US in relation to this World Conference against Racism. In doing so, we must first acknowledge the importance of the role played by the US inside of the UN. Within the UN system, the US portrays itself as the model of democracy and human rights to which the countries of the world should aspire. So the decisions it makes often have a disproportionately wide effect.

During the 1990s, the UN held three major international human rights gatherings—the World Conference on Human Rights (in 1993, in Vienna, Austria), the World Summit on Social Development (in Copenhagen, Denmark, in 1995) and the

World Conference on Women (in Beijing, China, in 1995). In December, 1997, the UN General Assembly reluctantly agreed to hold the World Conference against Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance. I say reluctantly because the US and the other Western European countries (whose UN geographic designation is the WEO Group, i.e. Western European and Others [US, Canada, Australia, New Zealand]) opposed holding a World Conference against Racism. The excuses they put up were feeble and eventually overcome by the reality of the increasing spread of racism and racial discrimination around the world. But this was only the beginning of their opposition to the WCAR.

The UN had previously held two World Conferences on Racism and Racial Discrimination in 1978 and 1983, in Geneva. Few people in the world knew about them and they had little practical effect. So as a compromise to assuage Western opposition, the scope of this conference was expanded to include the themes of xenophobia and related intolerance. Yet, even with this broadened mandate, the US was absolutely the last country in the UN to agree to hold the WCAR.

Once the WCAR had been approved, the December 12th Movement identified three issues as crucial to the success of what the UN described as an “action-oriented” World Conference.

1. Declaration of the Trans-Atlantic Slave Trade and Slavery as a Crime against Humanity;
2. Reparations for African people on the Continent and in the Diaspora;
3. The Economic Base of Racism

These issues: went to the economic root of and motivation for our kidnapping and enslavement; established international recognition of our humanity and the historically unprecedented crimes we had been subjected to; provided for the “40 Acres and a Mule” that none of the original victims or their descendants/continuing victims had ever received; and explained why the ideology and practice of racism persists to this day.

The position of the US in regards to the WCAR has been described by one African diplomat as “intransigent.” Apparently it is these three issues which have created this intransigence. In May, 2000, Ambassador Betty King, the head of the US delegation to the First PrepCom (Preparatory Committee) told the delegates that the US officially objected to the issue of “compensatory relief” being considered as a theme of the WCAR. She offered no explanation for the stance taken. Since that time, the US-led, Western opposition to this point has stalled the process of preparation for the WCAR. We are five weeks away from the opening of the WCAR and that issue has still not been resolved.

THE SANTIAGO PREPCOM

The US took extraordinary steps in an obvious effort to ensure that the GRULAC (Group of Latin American and Caribbean countries) PrepCom did not come out with a strong declaration on the three issues set out above. The US and Canada attended the GRULAC PrepCom (held in Santiago, Chile) rather than the WEO (their normal grouping) PrepCom. The colossi of the North led the GRULAC countries to believe that if they weakened the language on Reparations and Crimes against Humanity that they would agree to a consensus document. This ploy was only exposed at the last minute of the final session, when both the US and Canada admitted that they could not agree with the watered down language that they themselves had suggested. There was not enough time at that point for the Santiago Declaration to be as strong as it might have been without the disruptive and disingenuous participation of the North American delegations.

THE DAKAR PREPCOM

At a public meeting in February, 2001, the head of the US delegation to the PrepComs admitted that the US had sent a diplomatic delegation to attend the African PrepCom (in Dakar, Senegal) with the express purpose of having the “Africans tone down their inflammatory language.” The “language” she referred to was that concerning Crimes against Humanity, Reparations and the Economic Motivations underlying the Slave Trade, Slavery and Colonialism. The African Group politely but firmly asked the US delegation to leave their meeting. The “language” remained in the Dakar Declaration.

OTHER TACTICS OF OBSTRUCTION

The WEO Group, the richest in the world, has used money or the lack thereof as a tool of disruption. It has provided very little funding for the WCAR in compari-

son to the financial commitments it made for the 3 UN world gatherings of the 1990s. Contrast the \$5 million dollars the US spent on the World Conference on Women with the \$250,000 it has committed to the WCAR.

In addition to the weapon of underfunding, the US and the WEO group have employed numerous parliamentary tactics to delay the process of preparation for the conference in the hope that the pressure of time will lead to concessions favorable to their position. They have succeeded in making it necessary to convene an unanticipated Third PrepCom just four weeks before the opening of the WCAR. Time and money limitations will severely restrict NGO attendance at this last, crucial preparatory meeting.

The US has also tried to get its way by stating that insistence on the issues of Crimes against Humanity and Reparations will "derail" the Conference and make it a failure. According to the US, the WCAR must be "forward-looking." This mantra has been accompanied by threats of either non-attendance or sending a low-level delegation.

In May, 2001, the US circulated a Demarche to countries around the world, to secure their support for the "forward-looking" approach. The demarche came with a "Non-Paper" which expanded on this same theme.

The overt acts of pressure have been accompanied by the use of covert threats of dire economic consequences for those countries which don't bend to the US will.

In sharp contrast to the publicity provided the Women's Conference, the US has given no publicity to the WCAR. A week or two before the First PrepCom in May 2000, the President belatedly convened a White House Inter-Agency Task Force on the World Conference against Racism. The Task Force held 5 meetings (most of which were by invitation-only) in different regions of the country. Despite calls from people across the US, the government refused to convene a national meeting to prepare for the WCAR. Such a meeting could have been an important vehicle to bring a necessary discussion front and center on the national stage, so that the 21st century might be different than the preceding one as presciently described by the great historian/activist W.E.B. DuBois in the early 1900s, "The twentieth century will be the century of the color line."

CONCLUSION

The United States of America is a country whose population is rapidly becoming a non-white majority. The USA has certain responsibilities in the world and in the United Nations. One is to be true to its history. It has an obligation to take whatever steps are necessary to ensure the highest quality of life to all of its citizens and residents. It cannot do so if it denies its history and its current realities. We cannot move forward without resolving the open issues of the past which still resonate today. There must be repair to the injured before there can be progress for the whole. It is from this perspective that we urge the Committee to use its influence to ensure that: 1) the US withdraw its opposition to a discussion of the issues of "Compensatory Relief/Reparations," "the Trans-Atlantic Slave Trade and Slavery as a Crime against Humanity" and the "economic roots of racism; and 2) the US send its highest-level delegation to attend this historic meeting.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Wareham.
Dr. Winbush?

STATEMENT OF RAY WINBUSH, PH.D., BENJAMIN HOOKS PROFESSOR OF SOCIAL JUSTICE, FISK UNIVERSITY

Mr. WINBUSH. Madame Chair, Members of the Committee, my name is Dr. Raymond A. Winbush. I am Director of the Race Relations Institute of Fisk University in Nashville, Tennessee. I am honored to have this opportunity to share my thoughts with you about the upcoming United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

During the past 18 months, the Program Coordinator of the Institute, Naomi Tutu, daughter of Nobel Laureate Archbishop Emeritus Desmond Tutu, and I have been active participants in the meetings leading up to the world conference. We have attended preparatory meetings in Geneva, New York, Quito, Washington, Dakar, Santiago and Vienna and have been involved with drafting

documents, lobbying foreign ministers and debating language that describes the insidious effects of racism as a global problem and practice.

As the oldest institute in the United States dealing specifically with racism, we made a conscious decision to support three issues relative to the World Conference Against Racism. Ms. Tutu and I did this after it was clear that the numerous issues, some which were outlined today, associated with global racism might detract from these three core issues.

My colleague Roger Wareham with the December 12th Movement has been instrumental in keeping participants at the conference focused on these three issues and the Race Relations Institutes supports this emphasis wholeheartedly.

The first is that the world should acknowledge the economic basis of racism. Racism is profitable, but it is difficult for those who practice it to acknowledge its profitability in how they do business, miseducate children of color and form social and legal policy that inhibit opportunities for people of color. The economic basis of racism led to the establishment of the trans-Atlantic slave trade against Africans and their descendants and it should be acknowledged as a crime against humanity.

This is our second point of advocacy relative to the World Conference Against Racism. Ironically, President John Tyler on December 6, 1842 in his second State of the Union address quoted from the Tenth Article of the Treaty of Ghent, signed by the United States and Great Britain that ended the War of 1812.

It plainly and unequivocally stated that "The traffic in slaves is irreconcilable with the principles of humanity and justice."

This simple acknowledgement by the tenth President of the United States is something that his successors have been unable to do and, in my opinion, elevates his statesmanship, obscure though it may be, on the issue of slavery being a crime against humanity above those who have occupied the office since his Administration.

The third point which the Race Relations Institute supports is that given the economic basis of racism, the devastating consequences of the trans-Atlantic slave trade and its ill-begotten child, colonialism, Africans and African descendants are overdue reparations and compensatory remedies associated with the still lingering impact on them. The issue of reparations is intricately linked to any discussion of racial reconciliation in the United States.

Jon Van Dyke, a legal scholar at the University of Hawaii, has written that it is impossible to have racial reconciliation without reparations. Ask the Jews who suffered during the Holocaust, ask the Japanese who suffered because of internment during World War II. Ask the indigenous people of Hawaii, Australia and other people who have been the victims of white supremacy.

But also ask the framers of the language of Article 8 of The Universal Declaration of Human Rights which states that "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the Constitution or by law."

I have no doubt that history will show that if the United States withdraws its support from the United Nations World Conference Against Racism it will be viewed as an abrogation of its declared leadership in the world in fighting for human rights.

Never before has an opportunity to talk the truth about racism been afforded this country. Government leaders, corporations and individuals have spent far too much time ignoring and denying the insidious affects of racism throughout the world. Indeed, we reward those who speak soothing and misleading statements about the ugly truth of racism as the most important social issue in this world.

Archbishop Tutu recently said at Fisk University that the United States needs to establish a Truth and Reconciliation Committee in this country the way one was established in South Africa shortly after the fall of apartheid.

Racism is one of the most difficult and avoided topics of discussion among Americans. Participating in the upcoming conference will compel the United States to examine the dark corners of its past, as U.N. High Commissioner for Human Rights, Mary Robinson puts it.

Cincinnati, Ohio in this country, Bradford, England in the United Kingdom, Esmeralda in Ecuador, the harassment of black people in Austria will not go away by ignoring their root causes.

These discussions will be very difficult but they must take place with strong support of the United States Government.

This U.N. world conference should be viewed as a golden opportunity for the nations of the world to unite in developing effective counter-racist strategies to deal with the most troubling social issue facing the world.

I urge your Subcommittee to consider the following recommendations:

1. At least one member of each of the three major ethnic caucuses of the House should be a part of the official delegation in Durban

2. Begin immediate plans for a post-Durban strategy for the World Conference Against Racism that will follow up on the recommendations generated at Durban.

3. Encourage at least one high level member of the executive branch, for example, George W. Bush, Colin Powell, to make a public statement in support of and be present at the world conference.

4. With the aid of the Congressional Black, Asian and Pacific American and Hispanic Caucuses, begin the process of studying the feasibility of a World Conference for People of Color where people of color throughout the world are convened to develop specific counter-racism strategies.

5. Appoint a liaison between the CBC and the Office of the U.N. High Commissioner for Human Rights to monitor all activities and policies related to the WCAR.

6. Provide immediate financial support for the world conference through the White House, and more than the \$250,000, and State Department for NGOs and students who wish to attend the world conference.

7. Become thoroughly familiar with the Dakar Declaration, the document generated by African ministers in their January 2001

meeting involving the WCAR. The Declaration deals comprehensively with the status of African people globally and can serve as a model for several issues related to Africans throughout the world.

8. Work cooperatively with NGOs which seek support and support the three issues most central to the World Conference Against Racism.

History will analyze what we do as a nation during the next 2 months on the subject of racism. No one said that these discussions would be easy, but avoidance of them will severely compromise the United States' stated intention of being a leader in discussing human rights issues. Durban must be the beginning of a global dialogue on the disastrous consequences of ignoring racism and ways of avoiding similar disasters in the future.

Thank you.

[The prepared statement of Mr. Winbush follows:]

PREPARED STATEMENT OF RAY WINBUSH, PH.D., BENJAMIN HOOKS PROFESSOR OF SOCIAL JUSTICE, FISK UNIVERSITY

Madame Chair, members of Congress. My name is Dr. Raymond A. Winbush. I am Director of the Race Relations Institute of Fisk University in Nashville Tennessee. I am honored to have this opportunity to share my thoughts with you about the upcoming United Nations World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. During the past 18 months, the Program Coordinator of the Institute, Naomi Tutu, daughter of Nobel Laureate Archbishop Emeritus Desmond Tutu and I have been active participants in the meetings leading up to the United Nations World Conference Against Racism. We have attended preparatory meetings in Geneva, New York, Quito, Washington, Dakar, Santiago and Vienna and have been involved with drafting documents, lobbying foreign ministers and debating language that describes the insidious effects of racism as a global problem and practice.

As the oldest Institute in the United States dealing specifically with racism, we made a conscious decision to support three issues relative to the World Conference Against Racism. Ms. Tutu and I did this after it was clear that the numerous issues associated with global racism might detract from these three core issues. My colleague Roger Wareham with the December 12th Movement has been instrumental in keeping participants at the conference focused on these three issues, and the Race Relations Institutes supports this emphasis wholeheartedly. The first is that the world should acknowledge the economic basis of racism. Racism is profitable but it is difficult for those who practice it to acknowledge its profitability in how they do business, miseducated children of color and form social and legal policy that inhibit opportunities of people of color. The economic basis of racism led to the establishment of the Transatlantic Slave Trade against Africans and their Descendants and it should be acknowledged as a crime against humanity. This is our second point of advocacy relative to the World Conference Against Racism. Ironically, President John Tyler on December 6, 1842 in his second State of the Union address quoted from the Tenth Article of the Treaty of Ghent, signed by the United States and Great Britain that ended the War of 1812. It plainly and unequivocally stated that

“. . . the traffic in slaves is irreconcilable with the principles of humanity and justice.”

This simple acknowledgement by the tenth President of the United States is something that his successors have been unable to do, and in my opinion elevates his statesmanship on the issue of slavery being a crime against humanity above those who have occupied the office since his administration. The third point which the Race Relations Institute supports is that given the economic basis of racism, the devastating consequences of the Transatlantic Slave Trade and its ill-begotten child, colonialism, Africans and African descendants are overdue reparations and compensatory remedies associated with the still lingering impact on them.

The issue of Reparations is intricately linked to any discussion of “racial reconciliation” in the United States. Jon Van Dyke a legal scholar at the University of Hawaii has written that it is impossible to have “racial reconciliation” without reparations. Ask the Jews who suffered during the Holocaust, ask the Japanese who suf-

fered because of internment during World War II. Ask the indigenous people of Hawaii, Australia and other people who have been the victims of white supremacy. But also ask the framers of the language of Article 8 of The Universal Declaration of Human Rights which states that: "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."

I have no doubt that history will show that if the United States withdraws its support from the United Nations World Conference Against Racism it will be viewed as an abrogation of its declared leadership in the world in fighting for human rights. Never before has an opportunity to talk the truth about racism been afforded this country. Government leaders, corporations and individuals have spent far too much time ignoring and denying the insidious affects of racism throughout the world. Indeed, we reward those who speak soothing and misleading statements about the ugly truth of racism as the most important social issue in this world. Archbishop Tutu recently said at Fisk University that the United States needs to establish a Truth and Reconciliation Committee in this country the way one was established in South Africa shortly after the fall of apartheid. Racism is one of the most difficult and avoided topics of discussion among Americans. Participating in the upcoming conference will compel the United States to examine the "dark corners" of its past, as UN High Commissioner for Human Rights, Mary Robinson puts it. Cincinnati Ohio in this country, Bradford England in the United Kingdom, Esmeralda in Ecuador, the harassment of Black people in Austria will not go away by ignoring their root causes. These discussions will be very difficult but they must take place with strong support of the United States government. This UN World Conference should be viewed as a golden opportunity for the nations of the world to unite in developing effective counterracist strategies to deal with the most troubling social issue facing the world. I urge your subcommittee to consider the following recommendations:

1. At least one member of each of the three major ethnic Caucuses of the House should be a part of the official delegation to Durban.
2. Begin immediate plans for a "post-Durban" strategy for the World Conference Against Racism (WCAR), that will follow-up on the recommendations generated at Durban
3. Encourage at least one high level member of the Executive Branch, e.g., George W. Bush, Colin Powell to make a public statement in support of and be present at the World Conference Against Racism
4. With the aid of the Congressional Black, Asian and Pacific American and Hispanic Caucuses begin the process of studying the feasibility of a World Conference for People of Color where people of color throughout the world are convened to develop specific counter-racism strategies
5. Appoint a liaison between the CBC and the Office of the UN High Commissioner for Human Rights to monitor all activities and policies related to the WCAR
6. Provide immediate financial support for the WCAR through the White House and State Department for NGOs and students who wish to attend the WCAR.
7. Become thoroughly familiar with The Dakar Declaration, the document generated by African ministers in their January meeting involving the WCAR. The Declaration deals comprehensively with the status of African people globally and can serve as a model for several issues related to Africans throughout the world
8. Work cooperatively with Non-Government Organizations (NGOs) that seek which support the three issues most central to the World Conference Against Racism History will analyze what we do as a nation during the next two months on the subject of racism. No one said that these discussions will be easy, but avoidance of them will severely compromise the United States stated intention of being a leader in discussing human rights issues. Durban must be the beginning of a global dialogue on the disastrous consequences of ignoring racism and ways of avoiding similar disasters in the future.

Thank you.

Ms. ROS-LEHTINEN. Thank you very much, gentlemen, for your testimony.

Let me ask both of you this question. Why are proponents of reparations and compensation seeking an international approach

using the venue of the World Conference Against Racism rather than seeking concession—and you have made—a part of your statement has been about that—rather than seeking concessions from individual countries.

What can be accomplished through an international forum which cannot be obtained through discussions with individual countries and governments?

And, secondly and tied to that, how do you define victims of racism and slavery? Who should receive compensation, what kind of proof has one needed to provide, and do you have any models which can be used, sort of like the Japanese internment and other sad cases of U.S. history?

Mr. WAREHAM. In response to the first—

Ms. ROS-LEHTINEN. So first is the international rather than specific and, two, how do you define those victims.

Mr. WAREHAM. The reason for an international response is that what brought us here was an international conspiracy. It was—

Ms. ROS-LEHTINEN. From Africa to the United States.

Mr. WAREHAM. Right.

Ms. ROS-LEHTINEN. To provide slave labor.

Mr. WAREHAM. People of African descent, the vast majority of us, came over here through the slave trade. We did not come over with the Mayflower. It was an international conspiracy of basically Western Europe—

Ms. ROS-LEHTINEN. Against your will.

Mr. WAREHAM. Excuse me?

Ms. ROS-LEHTINEN. Against your will.

Mr. WAREHAM. Right. We were kidnapped and brought over here and it was an international effort and at different points in time we were then divided and left in different places.

The fact that we are asking for reparations in the international form of the United Nations, obviously it is an international world conference, so what has to come out of it is some sort of international prescription, it does not preclude doing work nationally wherever we are.

I think the fact that there is the need for a United Nations and there was a need for a Commission on Human Rights and that that Commission on Human Rights looks at human rights violations in different parts of the world speaks to the fact that nation states in and of themselves are either incapable or unwilling of resolving their human rights violations. That is why the Commission on Human Rights appoints rapporteurs to look at human rights violations in different countries.

Our view around the significance of establishing an international body—

Ms. ROS-LEHTINEN. Excuse me. How many countries have been impacted by this, In addition to the United States, worldwide with the slave trade?

Mr. WAREHAM. I would contend that the vast majority of countries in Western Europe. Within the United Nations or within the parlance of the world, there is a general division of developed and developing countries and when they say developed and developing countries, developed countries are those countries who are industrially developed, okay?

Ms. ROS-LEHTINEN. Right. We are familiar with that.

Mr. WAREHAM. The slave trade, the trans-Atlantic slave trade, slavery and colonialism are the basis for the development of the developed world, so when you ask how many countries are impacted by it, the vast majority of the world are impacted by it, either by the fact that the developed world was developed on the basis of the underdevelopment of rest of the world, so it is an issue that has global impact, which is why it needs to be addressed inside the United Nations at the world conference.

It does not preclude dealing with it nationally, but what it will set is a standard so that when the victims deal with it nationally it will be a standard that the particular nation state will not be able to evade because—

Ms. ROS-LEHTINEN. Has any nation dealt with it already on its own? Any one particular country dealt with the issue of reparations and compensation?

Mr. WAREHAM. Not for African people.

Ms. ROS-LEHTINEN. Not for Africans.

Mr. WAREHAM. Not for African people.

Ms. ROS-LEHTINEN. Japanese during the internment.

Mr. WAREHAM. Right.

Ms. ROS-LEHTINEN. And for other people.

Mr. WAREHAM. Right. The United States has done that. The United States did that. Last year, the Deputy Secretary of the Treasury was involved with a negotiation to get reparations for the victims of slavery during World War II.

Ms. ROS-LEHTINEN. You believe that because this has had a worldwide impact, the only way—not precluding individual cases—the only way to truly deal with it would be in a world context.

Mr. WAREHAM. International forum. It sets the bar against which all nation states will now be measured in terms of do they move to resolve it. If they can resolve it nationally, then there will not be a need for an international participation, but if it falls short nationally, there is an international standard that is set, there is an international body that will be set up to deal with that.

Ms. ROS-LEHTINEN. Dr. Winbush, related to that, I would like you to answer that, but have we as a nation, what have we acknowledged about slavery and our past and would reparations come after an acknowledgment of the U.S. Government of our participation in the slave trade and do you foresee that happening? How does that come about, a resolution, a statement?

Mr. WINBUSH. Well, I mean, it is quite clear that the attempt at achieving reparations in this country did not start 4 or 5, 10 years ago. Jon Van Dyke, the scholar that I quoted in my testimony, said there are four steps to resolving racism within a nation. The first one is apology. The United States, we heard this afternoon, refuses to apologize for slavery.

Van Dyke says the second step—

Ms. ROS-LEHTINEN. And do you believe that that is because we are afraid that that would be the step toward compensation?

Mr. WINBUSH. Oh, absolutely. The Clinton Administration said this. Australia, as you probably are aware of, a few years ago instituted national sorry day, apologizing for what they had done to the so-called aboriginal people.

The second step, Van Dyke says, is study the issue of the impact of enslavement. We have seen this Congress and previous Congresses vote down Representative Conyers' attempt to just study the impact of slavery.

The third one is reparations, which, again, we heard this afternoon, they said this is off of the agenda.

And the fourth step that Van Dyke talks about is prosecution and now we are seeing the rise of Charlie Ogletree at Harvard, Johnny Cochran. We have been meeting with that group in Washington, DC that will be bringing lawsuits against corporations, ENCOBRA, and several other organizations joining together to bring lawsuits.

Ms. ROS-LEHTINEN. You mentioned the aborigines in Australia. Is Nazi Holocaust victims any sort of example regarding this or not?

Mr. WINBUSH. Oh, absolutely. I think they are. I mean, when it really boils down, Madam Chair, most victims have received some form of reparations either in this country as well as in other countries except African-Americans. It is just that simple.

Ms. ROS-LEHTINEN. Because of the large amount of people that it would include?

Mr. WINBUSH. And the length of time.

Ms. ROS-LEHTINEN. Financially? And the length of time.

Mr. WINBUSH. And the length of time.

Ms. ROS-LEHTINEN. And in terms of paperwork and proof, we did not keep such accurate records at that time.

Mr. WINBUSH. Well, let me say one thing and I want to Roger to get in on this, the Institute is about to release a study. We have been doing a study for 3 years with the Associated Press, it is going to be released next month, in August, and we have—I think what Americans do is fail to connect the dots between enslavement and current conditions in the United States.

We have found 300 families that we have traced their land being stolen all the way back to right after so-called reconstruction period and shown how white Americans stole this land very systematically and the impact economically on the people, as well as the benefits that many of those whites who have gotten this—these are going to include prominent Tennesseans in my home state that you all well know of, if I mention their name. And we are going to be releasing this study—

Ms. MCKINNEY. Bring it on, baby.

Mr. WINBUSH. Inside of 6 weeks, it will be making national headlines.

Ms. ROS-LEHTINEN. And if I could interrupt you—

Ms. McKinney, if I could ask you to please chair the remainder of the hearing so I could go back and vote and if I am able to, I will come back, but if you would then chair the meeting.

Thank you very much, gentlemen.

Ms. MCKINNEY. [Presiding.] The Chairwoman asked me to take her seat, but in 2002, I intend to take the chair, with you all's help, of course.

Why don't we just do this, because there are two additional votes that will be called on the floor. First of all, is there anything—because this record is a permanent record of the United States House

of Representatives, is there anything that has not yet been said that needs to be said?

Mr. WAREHAM. One thing I would like to reiterate that I said in my remarks was Mr. Wood from the State Department had said there was no consensus around the question of reparations and you asked him some questions with whom had the Bush Administration dialogued so that they could sum up that there was no consensus and I am so confident that there is a consensus that we would propose that the Committee or the Congresswoman or Representative Conyers as part of his bill have a national referendum on the issue of reparations so that once and for all, just like there was a referendum that established the people of Vieques do not want the United States to continue to bomb, we should have a referendum on the issue of reparations so we can see where we stand so the United States will not be able to use that as an evasion of their responsibility to represent everyone who lives in this country. So that would be one thing I would think of.

Mr. WINBUSH. I would just add that, again, I was just astonished by the testimony of the State Department because I am not sure who Mr. Wood and his colleague were talking to. The issue of reparations right now is a global issue. It is not limited to a discussion in the United States which is a very old discussion in the United States.

I believe, and I told Debra Carr this, the White House liaison in Geneva, a few weeks ago, I said that the United States is on the wrong side of this issue, just like the United States in the late 1940s was on the wrong side of the issue relative to school desegregation in the United States. Reparations is going to happen and I think that the United States years from now will regret some of the positions it is taking right now, this recalcitrance relative to reparations.

Ms. MCKINNEY. I have one question. We have been talking about slavery and slave trade, but Human Rights Watch in their report even introduced the notion of reparations for segregation and I think about COINTELPRO and the outright murder of African-Americans and other leaders framing, setting up, intimidation, threats, that were perpetrated by the U.S. Government at the highest levels. Memoranda have been written, as you very well know, not just from J. Edgar Hoover, but also at the highest levels for the President of the United States, for Jimmy Carter, talking about what they intend to do with black folks to try and keep black people out of the international arena and also trying to keep African-Americans disconnected from Africans.

So we have the complicity of the U.S. Government in the slave trade, but we also have in contemporary times the complicity of the U.S. Government in the murder of its own citizens who all they were asking for was their right to vote, their right to sit in this place and ask these kind of questions of folks who do not think that they have a responsibility or requirement to respond to people like us. And we have political prisoners who are in prison right now. Their families have never been compensated.

And just imagine Jean Seaburg and the fact that she committed suicide based on what J. Edgar Hoover cooked up in some office with his friend. I wonder if her family was even compensated. And

now I see the picture of Fred Hampton dragged from his bed, shot in his head, the system of informants that this country has used to kill our leaders. Dr. Martin Luther King, Jr., we do not know who killed Dr. King. We know it was not who they say it was and it was not by the weapon that they say he used.

Military intelligence being used against American people, the military is supposed to be used against foreigners but here we got military intelligence taking pictures and using rifles with snipers and night goggles in Tennessee. What is all of that?

Operation Lantern Spike, where military intelligence chronicles every moment, second by second by second by second the activities of Dr. Martin Luther King.

So now if some folks say that slavery was a long time go, COINTELPRO was not. So maybe we could also add to the mix the fact that we have current problems, current injustices that are going on. David Horowitz in his ten reasons why we should not do reparations which I heard nobody address today to talk about why David Horowitz is wrong, maybe we—Ogletree and Johnnie Cochran but that Pires fellow needs to get out of there because that Pires fellow is the same perpetrator against the black farmers and he should not be accepted in this whole litigation. Our lawyers need to be told that. He is not for the right people.

At any rate, what are your thoughts about including the victims of COINTELPRO and the contemporary victims?

Mr. WAREHAM. I agree wholeheartedly with you. The approach that we have taken, and if you look at the language that we have put forward, it is for the victims of the slave trade and their descendants who continue to suffer to this day.

I think, as you said, the forms differ and certainly a part of it has been to minimize our presence in the international arena. The Chair asked Ray before she left around why was it that black folks had not receive reparations, you know, too much, too long, but it is also—it speaks to the very essence of racism. Racism developed as an ideology to justify the traffic in African human beings, that there was color prejudice historically, but racism as an institutionalized set of ideas and ideology was developed to justify our enslavement.

And whenever something happens in the world, the last group of people to benefit, if they benefit at all, is us. So the fact that we have not been addressed by that is a reflection of that racism. The United Nations did a report on compensation back in 1993. It was a study and it looked at the issue of the compensation to the victims of the Nazi Holocaust, it looked at the compensation to the Japanese Americans.

When it came to us, it said it is difficult, there certainly is a moral duty for us to have some affirmative action. That is the most the could drag out of it. And the last point you made in terms of the international, Dr. King, we do not know who killed him, but we certainly know—he was killed almost a year to the day after he made his speech at Riverside church attacking the United States' role in the Vietnam war and came under attack for getting out of his box as a civil rights leader to talk about international affairs. I was there when he made that speech.

And Malcolm was killed almost a year—it is when our spokespeople start to go international that they become dispensable and I would just hope that you move cautiously.

Ms. MCKINNEY. Well, it is interesting that you say that because on the international front earlier we had Congressman Payne talking about the Rwandan genocide. Well, can you imagine the CIA writing a report saying 500,000 people are going to be murdered over there if you all go ahead and do this coup like you are planning on doing. So now the whole world seems to think that there is a genocide that happened over there by accident, but it did not happen by accident, it is because the Americans looked up and they saw Habyarimana over there and he was close to the French and the Americans want to get in there and do whatever they want to do and so they say, well, let's get rid of this puppet and put our puppet in.

And so in the course of getting rid of one puppet, which was Habyarimana, they murdered two Presidents, sparked a genocide that killed a million people and allowed it to happen. And why did they allow it to happen? They allowed it to happen because they wanted to get rid of one guy and put the other guy in.

I want to know what is in that laboratory over there in Rwanda. I have a young man out of Cleveland who says that he was stationed in the military and he was stationed at a building, he said the CIA director came in and out of the building, he said who are all these people coming in and out of this building and doggone it maybe it was the rest of the virus lab that they set up over there because remember they sent the virus to kill Mpuma and the virus got lost.

So we do not know what the United States is doing over there in that part of the world, but we do know that innocent Africans are being killed and we know that our government knows what is going on but they will not tell us, just like they know who killed Dr. King and that is why they will not release the papers. We will be filing some legislation to request that they release the papers. Let us know. You do not have anything to hide, let us know what you did in 1968. Let us know.

At any rate, that is one of the joys of being elected, is that at least I can sit up here and I can rant and rave and I can say all the things that are on my mind because the good people in Georgia have withstood tremendous assaults on their ability to speak freely and they sent me back to Washington. I hope to be back sworn in January 2003. And if we are, you will again see the kind of legislation that we need to see, a grassroots mobilization using you organizations so that we can get those reparations. It was legislation that provided for the Japanese-Americans. It was legislation that provided for the Holocaust victims. And guess what? The legislation in California says victims and their heirs.

So the whole notion about that was a long time ago and it was not those people directly who were involved in carrying out the misjustice, well, in Germany, they are paying reparations right now, those were not the direct Germans who were involved in the problem with the Holocaust. But the state has taken upon itself the responsibility to make its victims whole. And that is what America is going to do.

So thank you very much. I know it has been a tremendous sacrifice for you to take out of your time last week when the rug was pulled out from under us because the people representing the U.S. Government in Geneva would have been here last week so they could not have them come here, but that is all right because you heard Wagenseil and your words today are forever recorded in the history of the House of Representatives.

Thank you very much. Meeting adjourned.

[Whereupon, at 6:15 p.m., the Subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

ANTI-DEFAMATION LEAGUE
OF B'NAI B'RITH (ADL),
New York, NY, August 14, 2001.

Hon. ILEANA ROS-LEHTINEN, *Chair,*
Subcommittee on International Operations and Human Rights,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVE ROS-LEHTINEN: We write in response to a question Representative Cynthia McKinney directed to our representative, ADL National Commissioner Michael Salberg, during the July 31 hearing on the UN World Conference Against Racism.

We believe that Representative McKinney's question to Mr. Salberg regarding the 1995 Supreme Court case *Miller v. Johnson* was unwarranted and inappropriate in the context of the Subcommittee's timely examination of the critical issues relating to the World Conference Against Racism. It was clearly outside the scope of the hearing, unrelated to the work of the Subcommittee on International Operations and Human Rights, and unfairly antagonistic to ADL.

Of course we recognize that reasonable people can have opposing views on the highly-charged issues present in *Miller v. Johnson*. ADL filed an amicus brief in that case because we firmly believe that race should not be the "substantial and motivating" factor in drawing congressional districts, in large measure because we categorically reject the presumption that only a member of a certain race can or will effectively represent his or her constituents of that same race. The Supreme Court agreed. We continue to hold this position today.

We also believe that our democratic system of government provides effective mechanisms for resolving disagreements over law and public policy. We don't expect to agree with every legislator on every issue, nor do we expect our view to prevail on every issue. However, we were deeply disappointed that ADL and Mr. Salberg were not accorded the same respect given to the other organizational representatives on the panel with him.

We request that this response be made a part of the permanent hearings record.

Sincerely,

ABRAHAM H. FOXMAN, *National Director.*

cc: The Honorable Cynthia McKinney
Jess N. Hordes, ADL Washington Director

PREPARED STATEMENT OF THE HONORABLE CYNTHIA A. MCKINNEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

The practice of slavery has long been recognized as a crime against humanity and a violation of the laws of civilized nations.

As early as 1814, with the ratification of The Treaty of Ghent, the United States of America acknowledged that, "the traffic in slaves is irreconcilable with the principles of humanity and justice."

In 1930 the General Conference of the International Labor Organization roundly condemned the practice of forced labor and passed the first Forced Labor Convention outlawing compulsory labor practices. It was this convention which justified the convictions of the Nazi leaders responsible for the enslavement of Europe's civilian populations.

At the close of World War II the United Nations further strengthened prohibitions against slavery when it passed Article 4 of the Universal Declaration of Human

Rights 1948 which provides that “[n]o one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all its forms.”

In 1957 the international community further extended international prohibitions against slavery to include political re-education camps.

From the inception of our nation in 1776 to 1868 a thriving slave trade flourished between the United States and various African nations. An estimated 30–60 million African men, women, and children were forcibly taken from their African homelands and brought here to the United States and enslaved.

The U.S. Civil War, the bloodiest war in the history of the United States, ended the practice of slavery in this country, but only after 620,000 Americans lost their lives, representing more casualties than the United States sustained in World Wars I and II, the Korean War, and the Vietnam War combined. However, the end of slavery only inaugurated one hundred years of Jim Crow segregation and overt racial discrimination for former slaves and their progeny.

In 1988, The United States Congress apologized for and admitted that this country committed “a grave injustice to citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II.” In addition, in 1990 Native Americans and Native Hawaiians were recognized for grants for restitution of stolen property.

The history of US jurisprudence requires that payments be received for damages and human suffering.

The United States apologizes for its participation in the world slave trade of the 18th and 19th centuries.

PREPARED STATEMENT OF THE HONORABLE DONNA CHRISTIAN-CHRISTENSEN, A
REPRESENTATIVE IN CONGRESS FROM THE VIRGIN ISLANDS

Thank you Madam, Chair, and other members of the Subcommittee for accepting my written testimony.

As I have worked with my colleagues on health care, and other issues in the African American community, the legacy of slavery and the persistence of racism surfaces as an ever-present influencing factor. It has become clear that to end disparities in health care, education, housing, economic opportunity and other areas will first require a clear understanding and acknowledgment of racism as a root cause of the persistent hardships in communities of color, but particularly in those of African and Native Americans. And it will equally require a commitment to repair the damage, which racism caused, and continues to cause.

To people of good will, creating an atmosphere and reality of equal opportunity and access for all people should be a natural recourse. That my country would not be a major participant in a conference such as the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, is unacceptable.

The upcoming world conference is an important meeting to people of African descent, and indigenous people all over the world. It is a critical step in ending racism, racial discrimination, xenophobia and other forms of intolerance and all of the untoward effects they cause, in this country and globally. The United States risks lessening its position of leadership, and its moral authority by not participating in this meeting and in devising a strong resolution decrying racism.

Having a substantive declaration decrying racism, colonialism, and the forceful subjugation of people will not in and of itself make us whole, but it will foster a long overdue healing process. It is important to the health of our nation and the well being of the entire global community.

Some opposition arises out of the proposed statement that the Trans-Atlantic slave trade was a crime against humanity. If I might offer my opinion, and a recommendation, a statement that would aver, “slavery is a crime against humanity, might be recommended as a possible compromise. This, might be more widely accepted if coupled with a statement conveying that there should be a process of reconciliation with regard to past slave trade and slavery and calling for an end to all slavery, as well as programs, initiatives, and funding to address, alleviate or eliminate the consequences of slavery, racism, racial discrimination, xenophobia and related intolerances. Certainly, I feel very strongly that there must be a condemnation of slavery.

Neither should the issue of reparations be an obstacle to the U.S. participation in this important global meeting. Equalizing the standards of education, health care, housing, economic opportunity and other factors, which has always been key to the agenda of the Congressional Black Caucus, should be a goal of this and all countries with or without a world conference.

Other issues have interjected themselves into the debate and the process, which are inappropriate and only stand in the way of consensus on the condemnation of slavery and on the broader issues of intolerance. The time is long past due for people of African descent to have this issue fully confronted and addressed so we can begin to put it behind us once and for all.

On August 31, many of the nations of the world will convene in Durban, South Africa for the United Nation's World Conference Against Racism. I urge our country to participate with a high level official delegation, that will make it clear to all the world that we decry and condemn slavery, racism, racial discrimination, xenophobia and related intolerances, and that we will use our authority and influence as a world leader to end them in all of their forms, and to repair and heal the breach they have caused.

